By Mr. GRONNA: Petition of citizens of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of Hub Mercantile Co. and six others, of Worthington, and G. W. Gruweel and six others, of Dunnell, in the State of Minnesota, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Peterson and 21 others, of Kiester, Minn., against removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of Foster County, N. Dak., for the Hanna bill (H. R. 26791) providing additional compensation to rural free deliverers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of citizens of first congressional district of Oregon, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Astoria (Oreg.) Central Labor Council, for exclusion of all classes of Asiatics; to the Committee on Immigration and Naturalization.

Also, petition of C. B. Fitzgerald and A. B. Camp, against the Sunday observance bill; to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Petition of W. L. Grover and others, of Garland; of James Thompson, Oran Lewis, and others, of Spanish Fork, in the State of Utah, against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Newton, New Sharon, Kilduff, Sully, Lynnville, Searsboro, Prairie City, Monroe, Reasnor, and Galesburg, in the State of Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of Sweedish Evangelical Lutheran Church of Aledo, Ill., for passage of the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Charles Wellman and 26 other business firms of Port Huron, Mich., against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Sterling and Lincoln, Nebr., favoring the local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of William De Olie & Co., of Philadelphia, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

By Mr. PRAY: Petition of 130 retail merchants and others of Roundup, Mont., against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Petition of American Federation of Labor, against the tax of 10 cents per pound and favoring 2 cents per pound on oleomargarine; to the Committee on Agriculture.

By Mr. SHEFFIELD: Petition of the Town Councils of Portsmouth and North Kingstown, R. I., favoring Senate bill 677, for retirement of officers and members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Peter Whalen; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of L. P. Maxham and 38 others, of Clarkston, Mich., against raising postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Study Club of Forrest, Ill., for modification of the tax on oleomargarine from 10 cents per pound to 2 cents per pound; to the Committee on Agriculture.

Also, petition of Smith Dry Goods Co. and others, of El Paso, Ill., against a local rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of prominent citizens, churches, and societies of Le Roy, Island Grove, Cameron, Washburn, Oswego, Meredosia, Geneva, Harvard, Elgin, Onarga, Bloomington, Flora, and Heyworth, all in the State of Illinois, favoring the Miller-Curtis bill (H. R. 23641); to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Local Union No. 61, Painters, Decorators, and Paperhangers, St. Paul, to amend the oleomargarine law by repeal of the tax of 10 cents per pound; to the Committee on Agriculture.

By Mr. SULZER: Petition of R. L. De Graff, favoring the Esch phosphorus bill, H. R. 30022; to the Committee on Ways and Means.

Also, petition of Religious Society of Friends, deploring the proposal to fortify the Panama Canal; to the Committee on Railways and Canals.

Also, petition of Theo. Sutro, for House bill 9137, for a monument at Germantown commemorating first German settlement in America; to the Committee on the Library.

By Mr. TOWNSEND: Petition of men's class of the Methodist Episcopal Church, Tecumseh, Mich., for House bill 24641; to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: Petition of citizens of the sixth Wisconsin congressional district, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *January 21, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Hale	Perkins
Beveridge	Culberson	Heyburn	Scott
Borah	Cullom	Johnston	Simmons
Bristow	Cummins	Jones	Smith, Md.
Brown	Curtis	Kean	Smith, Mich.
Burkett	Davis	La Follette	Smoot
Burnham	Dick	Lodge	Stephenson
Burrows	Dillingham	Martin	Sutherland
Burton	Dixon	Money	Taliaferro
Carter	Elkins	Nixon	Terrell
Chamberlain	Flint	Oliver	Tillman
Clapp	Foster	Overman	Warner
Clarke, Ark.	Frye	Page	Warren
Crane	Gamble	Percy	Wetmore

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

MEMORIAL ADDRESSES ON DECEASED SENATORS.

Mr. BACON. Mr. President, I desire to give notice, speaking for my colleague and myself and also for the Senators from Iowa, that on Saturday, the 18th day of February, we shall ask the Senate at half past 2 o'clock to suspend the ordinary business for the purpose of listening to tributes to be paid to the memory of my former colleague, Mr. CLAY, and of the former Senator from Iowa, Mr. DOLLIVER.

Mr. HALE. Mr. President, the announcement made by the Senator from Georgia leads me, in the interest of the dispatch of business, to make a request of Senators representing the States where Members of this body have died since the close of the last session. It is a sad and melancholy roll. Six Senators, representing different States, have disappeared by death.

What I was going to suggest to the Senator from Georgia and to other Senators representing those States is that they agree upon two Saturdays as early in February as possible, so that it will not be in the jam of the last few days, when all of the eulogies can be taken up. I had hoped that one Saturday might suffice, but I am satisfied that it will take two full sessions, and Saturdays are the best days, commencing, if necessary, at 11 o'clock.

Connected with that are also eulogies which will be presented for deceased Members of the House, and the Senators who take these matters in charge can confer with Senators representing those States. I should hope the Senator from Georgia [Mr. BACON], the Senator from Virginia [Mr. MARTIN], the Senator from Iowa [Mr. CUMMINS], the Senator from Louisiana [Mr. FOSTER], the Senator from Colorado [Mr. GUGGENHEIM], and the Senators from each of the States who will be interested in these eulogies will put their heads together and see if they can not arrange for a program of eulogies covering not only, as the Senator proposes, certain deceased Senators, but covering all the eulogies, to be embraced in the entire session of two Saturdays as early as possible.

I did not catch what date the Senator had suggested.

Mr. BEVERIDGE. The 18th of February.

Mr. HALE. And how many deceased Senators did his suggestion cover?

Mr. BEVERIDGE. Two.

Mr. BACON. When the Senator is through I will be glad to make a statement.

Mr. HALE. I can not get through until I understand what was the Senator's proposition.

Mr. BACON. The matters the Senator has presented to the Senate had not escaped the attention of Senators who are more immediately interested in these proposed proceedings. We have had various conferences, and we have endeavored to make the request of the Senate in such a manner as not to materially interfere with the business of the Senate. For this reason we have proposed that the eulogies shall be had as to two Senators upon the same day, where we naturally would prefer one separate day for each, and we have suggested that a definite hour be fixed for the beginning of them in the afternoon, in order that if on the day preceding, for instance, it was found that time could be utilized in the Senate, it could convene at an earlier hour, say, at 10 o'clock, if need be, and in that way the day would not be lost. The matters suggested by the Senator have not escaped the consideration and the careful attention of the Senators who had these matters to formulate.

The senior Senator from Iowa and myself and my colleague, the other Senator from Iowa being absent, have agreed that we would endeavor to present the tributes to the former Senator from Georgia, Mr. CLAY, and the former Senator from Iowa, Mr. DOLLIVER, upon the same day. Doubtless the Senators from Louisiana and the Senators from Virginia will make a similar request with reference to the late Senators DANIEL and MCENERY. What the purpose is as to the Senators who have died during the present session I am not informed.

Mr. HALE. The date fixed by the Senator from Georgia is the 18th?

Mr. BACON. The 18th.

Mr. HALE. Saturday, the 18th?

Mr. BACON. Saturday, the 18th, at half past 2 o'clock, the purpose being, I repeat, in fixing it at that hour, to give time for tributes during the afternoon and at the same time to give the opportunity to the Senate to do a day's work on that day by convening earlier if it shall see fit to do so.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. The Senator from Maine has the floor.

Mr. HALE. I yield to the Senator.

Mr. CLAPP. Mr. President, I wish to make a suggestion. I do not know whether it has been considered by the Senate in prior years or not, but I understand the House has a custom of holding these services on Sunday. It strikes me that unless there is some strong reason why it should not be done Sunday is a much more appropriate day for this kind of services. I simply make the suggestion for what it may be worth to the Senator from Georgia.

Mr. BACON. I beg the Senator's pardon; I did not know that he was addressing his question to me.

Mr. CLAPP. I was going to make a suggestion, unless it is a matter that previously may have been considered by the Senate, and that is that services of this kind ought to be held on Sunday.

Mr. BACON. I do not agree with the Senator about that.

Mr. CLAPP. Very well.

Mr. HALE. That has never been done.

Mr. CLAPP. It has never been done?

Mr. HALE. The House of Representatives has adopted that plan and saves its business days. My suggestion is only in the interest of, in a fitting way, disposing of these eulogies covering the senatorial exercises and the resolutions upon the House Members.

I can do nothing more, Mr. President, than suggest again to the Senate the importance of conserving the time of the Senate. There are many of these memorial exercises to be held, and nobody wants to interfere unduly with the desires of Senators having charge of these matters. There is nothing more that I can do except to ask all of these Senators, not simply the Senator from Georgia [Mr. BACON] and the Senator from Iowa [Mr. CUMMINS], but all of the Senators representing the States of the six deceased Senators, to see if they can not agree upon some program that will be satisfactory to them, to the friends, and to the families who may desire to be here, to have the exercises put together as much as possible in order not to interfere and not to come in at a time when the Senate will be jammed as it never has been before. There are 11 great appropriation bills not one of which has been considered by this body.

We have got to give great care and attention and time to them, and hold early and late sessions in order to get them through. All I ask is that Senators who represent the States interested in these eulogies shall try to help the business of the Senate so far as they can.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Iowa?

Mr. HALE. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, we have considered the suggestion made by the Senator from Maine, and it seems to us, in view of the number of Senators who would probably desire to speak upon these occasions, that it would be impossible to hold upon two days the memorial exercises for all the Senators who have died since the last session.

The Senator from Maine will remember that it has been customary in the Senate for 10 or 12 Senators to speak in the memory of each one who has died; and if he will reflect a moment he will see that to crowd 36 or 40 such speeches into one session would both destroy, to some extent, I think, the solemnity of the exercise and would be asking probably too much of the Senate to listen to so long a series of remarks.

This has led us to believe that the better way would be to devote a part of one day to exercises concerning two of these Senators, and, as suggested by the Senator from Georgia [Mr. BACON], to have these exercises in each case follow a session of the Senate in which much might be accomplished, especially if it were ordered that we should meet at 10 o'clock or 11 o'clock upon that day instead of 12. I really think that due regard for the memory of these distinguished men will not permit any more to be put into one day than has been suggested by the Senator from Georgia.

Mr. HALE. Mr. President, I have nothing further to say about the matter. It must largely rest with the Senators representing these States. They are no more interested in the general business of the Senate than I am and I am no more interested than they are, and having called the attention of the Senate to the matter and the stress of weather that we will be under during the month of February, I am entirely willing to leave it to the good sense and discretion of those Senators.

Mr. LODGE. Mr. President, I have thought for some time past that the arrangement of the House of Representatives for delivering eulogies upon deceased Members upon Sunday was a very wise one. It seems to me in the highest degree appropriate and it avoids what used to be seen in the House, and what we often see here in the case of eulogies on Members of the House, that they are crowded in at the end of a busy day, in a perfunctory manner, and are treated with what seems to me perhaps a lack of the respect which should accompany them. If we can hold these services—which are memorial services of the most solemn character—as the House holds them, on Sunday, there will be ample time to take a day for each, if it were desired, or for two or three, and I think that it would be a great deal better, more dignified, and more respectful. In view of the fact that we have the misfortune this year to have a number of Senators for whom we must hold these services in the crowded weeks of a short session, it seems to me that this would be a very good time to make the change.

There are also a number of Members of the House who have died in regard to whom we must take similar action. There are two from my State alone, and there are others from other States. I think that we can provide for them much more becomingly by having the services on Sunday than by attempting to have the eulogies delivered in the weeks crowded with business, in the midst of the rush of appropriation bills, when every hour is needed to transact the public business and secure an adjournment on the 4th of March. I hope that we can come to some conclusion of that kind in regard to eulogies which are to be pronounced before the session closes.

Mr. HEYBURN. Mr. President, in connection with the subject that has just been under discussion, I would submit the inquiry whether or not there is any objection to us holding a session of the Senate as an ordinary session on Sunday. I do not think there is. If there is not, then I think we should recur to the practice that was in vogue when I came to the Senate, of holding these memorial exercises on Sunday in a regular legislative day. When I came to the Senate memorial services were being held on Sunday.

Mr. BEVERIDGE. That is necessarily all within the power of Senators whose colleagues have departed. I think those Senators have it thoroughly in mind, and when they get together I have no doubt that they will agree. It is not possible at this juncture to do more than the Senator from Maine and other Senators have done—that is, merely to suggest this course. Senators whose colleagues have departed will, of course, decide as to the manner in which they desire to proceed.

Mr. HEYBURN. Mr. President, it occurred to me that what was done should be done officially. If we may sit officially and

legally on Sunday, it would be in order to have this class of services on that day. If we can not, it seems to me it would contain a certain element of derogated disrespect to hold these services on a day that was not of full legal import.

Mr. BEVERIDGE. My suggestion merely was that if that were to be done, of course it would be done upon the request of some Senator whose colleague has died.

Mr. HEYBURN. Oh, Mr. President, we are discussing the question in the abstract now.

Mr. BEVERIDGE. I think we are.

Mr. HEYBURN. Well, Mr. President, I do not suppose that the Senator intends to express disapprobation or to administer a rebuke.

Mr. BEVERIDGE. Not at all.

Mr. HEYBURN. If he does, I think I will have something to say about that.

Mr. BEVERIDGE. Not in the least.

Mr. HEYBURN. It is in order for any Senator to speak upon any subject that is before the Senate, and there is no Senator here, whatever his dignity in his estimation or that of the public or of the Senate may be, that is authorized to classify Senators.

SENATOR FROM MASSACHUSETTS.

Mr. CRANE presented the credentials of HENRY CABOT LODGE, chosen by the Legislature of the State of Massachusetts a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

George W. Brown and sundry subnumbered cases, Portsmouth (N. H.) Navy Yard, *v.* United States (S. Doc. No. 770);

Angelina Scarf, executrix of Thomas T. Scarf, deceased, and sundry subnumbered cases, Washington (D. C.) Navy Yard, *v.* United States (S. Doc. No. 771);

Mary Kibbey Diven, daughter and sole heir of James O. Kibbey, deceased, and sundry subnumbered cases, Washington (D. C.) Navy Yard, *v.* United States (S. Doc. No. 772);

Elizabeth Siegfried, widow (remarried) of Robert Serro, deceased, Philadelphia (Pa.) Navy Yard, *v.* United States (S. Doc. No. 774); and

Robert Dugan and sundry subnumbered cases, Pensacola Navy Yard and Washington (D. C.) Navy Yard, *v.* United States (S. Doc. No. 773).

The foregoing conclusions were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Typographical Union No. 90, of Richmond, Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the State Teachers' Association of Illinois, remonstrating against the enactment of legislation proposing to extend the benefits of the Morrill Acts to the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PERKINS. I present a joint resolution of the Legislature of the State of California, which has been transmitted to me by wire. I ask that the telegram be read and referred to the Committee on Industrial Expositions.

There being no objection, the telegram was read and referred to the Committee on Industrial Expositions, as follows:

JANUARY 20, 1911.

Hon. GEORGE C. PERKINS,
United States Senator from California,
Capitol, Washington, D. C.

SIR: We are hereby directed to transmit the following joint resolution No. 3, which was passed unanimously this 20th day of January, 1911, and request you to hand a copy of the same to Hon. FRANK P. FLINT, also one copy to each of the eight Congressmen:

Assembly joint resolution 3.

Whereas there is now pending in Congress a resolution directing the President of the United States to transmit to the nations of the world an invitation to participate in the celebration of the completion of the Panama Canal at the Panama-Pacific Exposition, to be held in the city of San Francisco during the year 1915; and

Whereas there has now been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of $17,500,000 to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world; and

Whereas the State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto if necessary without the necessity of Federal aid of any kind or character; and

Whereas it further appears that California's Representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; and in pursuance of such assurance and in furtherance of such pledge: Be it, therefore,

Resolved by the senate and assembly of the State of California, That we the representatives of the people of the State of California do hereby agree that in the event that Congress shall adopt the resolution above referred to the Government of the United States shall neither be asked nor requested to donate, lend, or appropriate any sum of money or assist in any financial way toward the success or in furtherance of the plans of such exposition; and we do further pledge the good faith and credit of the State of California to take all proceedings and do all things of every kind and character deemed necessary or proper to further the success of this exposition and to secure the greatest celebration in the world's history to commemorate the completion of this greatest national achievement—the Panama Canal; that our Senators and Representatives in Congress be, and they are hereby, requested and directed to bring this resolution to the attention of Congress; that the governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President of the United States and the Secretary of State; that a copy of the foregoing preamble and resolutions be forthwith transmitted by wire to our Senators and Representatives and to our Senators and Representatives elect.

A. J. WALLACE,
President of Senate.
WALTER N. PARISH,
Secretary of Senate.
A. H. HEWITT,
Speaker of Assembly.
L. B. MALLERY,
Chief Clerk.

Mr. PERKINS presented a petition of the National State Grange, Patrons of Husbandry, of Concord, N. H., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented a petition of Harmony Council, No. 10, Daughters of America, of Wheeling, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of West Fork Lodge, No. 677, Brotherhood of Railroad Trainmen, of Weston, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Piedmont Grocery Co., of Piedmont; of Hagen, Ratcliff & Co., of Huntington; and of the Gregg Grocery Co., of Weston, all in the State of West Virginia, praying for the enactment of legislation relative to the tax on white phosphorus matches, which were referred to the Committee on Finance.

Mr. NIXON presented memorials of sundry citizens of Beowawe, Mason, Palisade, and Winnemucca, all in the State of Nevada, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM. I present a telegram from the National State Grange of New Hampshire, which I ask may be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was read and referred to the Committee on Post Offices and Post Roads, as follows:

CONCORD, N. H., *January 20, 1911.*

HON. HENRY E. BURNHAM,
United States Senate, Washington, D. C.:

The National Grange emphatically reaffirms its demand for a general parcels-post law applying to all post offices in the country. It favors the adoption of the special parcels post on rural routes, and urges immediate enactment by Congress of legislation for this purpose.

N. J. BACHELDER,
T. C. ATKESON,
AARON JONES,
Legislative Committee.

Mr. BULKELEY presented a petition of Charter Oak Camp, No. 22, Woodmen of the World, of Hartford, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a petition of sundry citizens of Aberdeen and Hoquiam, in the State of Washington, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. BRISTOW presented memorials of sundry citizens of Junction City, Hutchinson, Athal, Elmont, Topeka, Blaine, and Bird City, all in the State of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of Local Lodge No. 742, Modern Brotherhood of America, of Pardee, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter,

which was referred to the Committee on Post Offices and Post Roads.

Mr. BORAH presented petitions of Local Lodge No. 2878, of Harrison; Local Lodge No. 2865, of Hope; Local Lodge No. 2630, of South Boise; Local Lodge No. 1071, of Payette; Local Lodge No. 1135, of Emmett; and of Local Lodge No. 2753, of Twin Falls, all of the Modern Brotherhood of America, in the State of Idaho, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a petition of sundry citizens of Kimball, Kans., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 742, Modern Brotherhood of America, of Pardee, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURKETT. I present a resolution adopted by the house of representatives of the legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

Whereas Congress now has under consideration the selection of a location for the Panama-Pacific Exposition to be held in 1915 and will act in reference thereto within a few days; and

Whereas both the cities of San Francisco and New Orleans are desirous of being selected as the place for holding said exposition; and

Whereas our Senators and Representatives in Congress, no doubt, desire to be advised as to the wishes of the people of Nebraska: Therefore be it

Resolved, That this house hereby expresses to our Senators and Representatives in Congress its preference for New Orleans. In expressing this choice we take into consideration the following material facts:

First: That New Orleans is located at a point as near as practicable to the canal and as near as possible to the center of population, and would meet the convenience of the largest number of people.

Second. New Orleans is about 500 miles from the center of population, whereas San Francisco, which is competing with New Orleans, is over 2,000 miles from such center.

Third. That quite a large number of our citizens have interests in the Gulf coast country.

For these reasons, as well as many others, we express our preference for New Orleans.

The chief clerk of this house is directed to send a copy of this resolution to each of our Senators and Representatives.

Mr. BURKETT presented the petition of E. A. Yontz, adjutant general of Russell Post, No. 77, Grand Army of the Republic, of Fairbury, Nebr., and a petition of Stram Post, No. 201, Department of Nebraska, Grand Army of the Republic, of Plymouth, Nebr., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the memorial of Jerome Shamp, of Lincoln, Nebr., remonstrating against the passage of the so-called rural parcels bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Nebraska City, Nebr., remonstrating against the adoption of an amendment to the Constitution recognizing the Deity, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 9902) for the construction of a chapel in or near the military reservation within Yellowstone National Park, reported it without amendment and submitted a report (No. 992) thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to which was referred the bill (S. 9707) to authorize the extension of Lamont Street NW., in the District of Columbia, reported it with amendments and submitted a report (No. 993) thereon.

He also, from the same committee, to which was referred the bill (S. 8300) to authorize the extension of Seventeenth Street NE., reported it with an amendment and submitted a report (No. 994) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 1882) for the relief of the estate of Antonia Sousa, deceased, reported it without amendment and submitted a report (No. 995) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 9125) authorizing the Secretary of War to convey the outstanding title of the United States to lots 3 and 4, square 103, in the city of Washington, D. C., reported it with an amendment and submitted a report (No. 996) thereon.

He also, from the same committee, to which was referred the bill (S. 8910) to receive arrearages of taxes due the District of Columbia to July 1, 1908, at 6 per cent in lieu of penalties and costs, reported it without amendment and submitted a report (No. 997) thereon.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (S. 7355) authorizing the Winnebago Tribe of Indians to submit claims to the Court of Claims, reported it without amendment and submitted a report (No. 998) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 10354) relating to the removal of employees of the Government under civil service; to the Committee on Civil Service and Retrenchment.

A bill (S. 10355) granting an increase of pension to Jens C. Jensen; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 10356) to provide for the purchase of a site and the erection of a public building thereon at Chamberlain, in the State of South Dakota; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 10357) authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 10358) granting an increase of pension to Fannie S. Haskell (with accompanying papers);

A bill (S. 10359) granting an increase of pension to Dennis Morean (with accompanying paper); and

A bill (S. 10360) granting an increase of pension to Michael Wiar (with accompanying papers); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 10361) to incorporate the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. PERKINS:

A bill (S. 10362) for the relief of Thomas B. Hanoum; to the Committee on Military Affairs.

By Mr. SCOTT:

A bill (S. 10363) to amend and correct the military record of Henry H. Willis; to the Committee on Military Affairs.

By Mr. TALIAFERRO:

A bill (S. 10364) for the relief of William Mickler; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 10365) regulating the manner of appointing postmasters of the first, second, and third classes; to the Committee on Post Offices and Post Roads.

PENSIONS AND INCREASE OF PENSIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, etc., which was referred to the Committee on Pensions and ordered to be printed.

Mr. JONES submitted two amendments intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, etc., which were referred to the Committee on Pensions and ordered to be printed.

RIGHTS OF WAY THROUGH PUBLIC LANDS.

Mr. DIXON. I should like to ask unanimous consent to call up the bill (S. 7713) relating to rights of way through certain reservations and other public lands. I do this on account of the urgency of the situation. It is a unanimous report, and there will be no debate upon it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the present consideration of the bill indicated by him?

Mr. BEVERIDGE. Does the Senator ask that during morning business?

Mr. DIXON. Morning business has just closed.

Mr. BEVERIDGE. I did not know that. Is the bill a long one?

Mr. DIXON. No; it is a very short one; it is a unanimous report; and I ask for its consideration on account of the urgency of the situation.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

Mr. SMOOT. I should like to ask the Senator from Montana whether the bill is reported with the amendments upon which the committee agreed.

Mr. DIXON. Yes, sir; with the same amendments.

The VICE PRESIDENT. The amendments will be stated.

The amendments of the Committee on Public Lands were, on page 1, section 1, line 9, after the word "for," to insert "poles and lines for;" in line 10, after the word "purposes," to strike out "and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits used to promote irrigation or mining or quarrying, or for the manufacture or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses;" on page 2, line 4, before the word "feet," to strike out "fifty" and insert "ten;" in line 5, after the word "such," to strike out "pipes and pipe lines;" and after the word "interest," in line 15, to strike out the following proviso: "*Provided further*, That all permits heretofore given hereunder, for telephone and telegraph purposes, shall be subject to the provisions of title 65 of the Revised Statutes of the United States and the amendments thereto, regulating rights of way for telegraph and telephone companies over the public domain," so as to make the section read:

That the Secretary of the Interior be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period of 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes to the extent of 10 feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such permit shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest.

The amendments were agreed to.

Mr. SMOOT. I should like to ask the Senator from Montana whether the bill simply confines it to the transmission of electricity by pole lines.

Mr. DIXON. Just simply by pole lines.

Mr. SMOOT. I have no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. Mr. President, I desire to ask the Senator from Michigan [Mr. BURROWS] a question. Is he prepared at this time to submit or enter a motion in conformity with the report of the majority of the committee in the election case to discharge his committee from the further consideration thereof?

Mr. BURROWS. I understood the Senator from Indiana had offered a resolution which is now pending.

Mr. BEVERIDGE. I have submitted a resolution, but not yet offered it. But I assumed, of course, that unless the Senator takes the position that the concluding paragraph of the majority report itself involves a motion or itself is a motion, that after the conclusion of his address the other day he would submit a motion. So I wanted to inquire what was the Senator's intention in that respect.

Mr. BURROWS. I have no such intention now.

Mr. BEVERIDGE. Mr. President, I ask, then, that on the 31st day of January, which is Tuesday—one week from next Tuesday—before the adjournment upon that legislative day, the report of the majority, now on the table, and all resolutions and motions that may be made thereon, shall be taken up and voted on and finally disposed of. I make that request for unanimous consent.

Mr. HALE. On what day?

Mr. BEVERIDGE. The 31st of January, Tuesday—that is, one week from next Tuesday.

Mr. HALE. Tuesday a week?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. Mr. President, it is within my personal knowledge that half a dozen Senators at least desire to be heard on this matter, and the Senator himself also desires to be heard.

Mr. BEVERIDGE. I do not know about that.

Mr. BURROWS. In view of the fact that so many desire to be heard, and also the press of appropriation bills, which will probably take precedence, I can not at this time consent to the fixing of a date.

Mr. BEVERIDGE. Mr. President, what the Senator has last said—and I think this is a subject which deserves the very serious and immediate consideration of the Senate—that appropriation bills will be coming in, a fact we all know, and that the congestion of business has now become a log jam—there seems to be in sight at least no loosening of it—it is highly appropriate, in furtherance of public business, if indeed not absolutely necessary, that the Senate should agree upon some method of settling this matter.

Concerning debate, I think I voice the opinions of all who can not concur in the report of the majority of the committee when I say they are ready to vote now or at any other time.

I want to call the attention of the Senate to the fact that this is not an unreasonable request—far from it. The first public hearing in this case was on September 22, 1910. The committee adjourned in Chicago on October 8, having taken all of the testimony except the testimony of one witness, that of Wilson, who could not be, I will not say apprehended, but who could not be gotten hold of.

They finally got hold of Mr. Wilson and examined him in Washington on December 7. The date of the report of the majority of the committee was December 21. So that we have practically three months' knowledge of the whole case by the members of the subcommittee who with such diligence took the testimony.

The Senate will remember that I thought it only reasonable that the other members of the committee should have at least the holidays for examining the great volume of testimony in the case. But that was not deemed wise by the full committee. The majority would not allow even that two weeks. So the report was brought in on December 21.

On January 9, immediately after the holidays, the minority views were filed. It was immediately followed by an exhaustive speech against the report of the majority; then, the next day, January 10, by an exceedingly comprehensive, careful, and accurate address by the Senator from South Dakota [Mr. CRAWFORD], analyzing the testimony in this case with rare and impressive ability and skill. This powerful address also was against the majority report.

Yet nothing was heard from the majority of the committee in support of its report until January 18, practically three weeks from the time the majority report was filed. Thus it appears that with more opportunity for information than anybody else possibly could have, with far more time to prepare, not only weeks but months elapsed before the first speech in support of the majority report was laid before the Senate, although other Senators promptly took the floor in opposition thereto with speeches showing great research and careful analysis. I had been informed that the Senator from Kentucky [Mr. PAYNTER] would proceed yesterday, and then that he would proceed on Tuesday, and now notice is given that he will not proceed until Wednesday.

The Senator from Michigan now says there are at least six or seven others who desire to speak. The hiatus between the Senator's speech and the speech of the Senator from South Dakota on Monday is three or four days; the hiatus between that and the next one is two or three days.

If this goes on, when will we arrive at a vote? With the number of speeches which the Senator says he personally knows must be heard, and if these lapses of time occur between each, it is perfectly clear, as a mathematical proposition, that this matter is going to be caught in the clutch of the appropriation bills, the legislative exigencies of which have been noticed here by other and older Senators and are familiar to all.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. BEVERIDGE. I do yield.

Mr. CUMMINS. I desire to ask a question for information. As I understand, the Senator from Michigan bases his objection to the request made by the Senator from Indiana upon the ground that there are several Senators who yet desire to be heard. Is it not true that if the consent for which the Senator from Indiana asks were granted and the subject disposed of on the 31st of January, every Senator who desires to speak upon it could speak upon it before a vote was had?

Mr. BEVERIDGE. Of course that would be entirely under the control of Senators who wish to speak.

Mr. CUMMINS. Therefore it seems to me that the reason given by the Senator from Michigan is not a valid reason for objecting to the consent that is asked.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the point he makes is of course perfectly apparent to everybody; but that, in addition thereto before the date I propose, about 10 legislative days will elapse, thus giving everybody on all sides of this case who desires to speak an opportunity to be heard, unless, indeed, there should be these lapses of time be-

tween speeches, in which event all can see the possible final outcome.

I suggest to the Senator from Michigan, who is so closely and accurately informed as to what has heretofore occurred, that the debate on the Caldwell case occupied about 10 days. It was bunched all together. The reports were submitted, the debate was opened, Mr. Caldwell was then heard before the debate proceeded further, according to the universal parliamentary practice in this and all other parliamentary countries. Then the Senate took the matter up and proceeded for about 10 days, at the end of which time no vote was reached because the Senator resigned.

Mr. BURROWS. In answer to the Senator from Iowa, I think the Senator must have overlooked the fact that four notices have already been given for speeches next week on various subjects——

Mr. BEVERIDGE. I can not hear the Senator.

Mr. BURROWS. Which notices are already recognized by the Senate. The Senator from Montana [Mr. CARTER] has given notice that to-day he proposes to address the Senate on the question of the election of Senators by the people; the Senator from Minnesota [Mr. CLAPP] has given notice that on Monday, January 23, he will call up the Indian appropriation bill; the Senator from South Dakota [Mr. GAMBLE], a member of the committee, has given notice that on the same day he desires to address the Senate on the election case; the Senator from Iowa [Mr. CUMMINS] has given notice that on the 24th he intends to address the Senate on the question of tariff revision schedule by schedule; the Senator from New York [Mr. DEPEW] has given notice that on the same day he proposes to address the Senate upon the question of the election of Senators by the people, and the Senator from Kentucky [Mr. PAYNTER], a member of the committee, has given notice that he desires to speak on the election case on January 25. Therefore I think the Senator will observe that the time seems to be pretty well occupied.

Mr. CUMMINS. I did not overlook these notices, and I did not assume or suppose that everything that is to be said on the Lorimer matter could be said before the 31st of January.

The point I desired to make was that there was nothing in the request made by the Senator from Indiana that would prevent unlimited debate upon the subject after it is taken up. Every Senator in the Chamber can speak upon it, if he so desires. The only effect, as I understand it, of the request of the Senator from Indiana, if granted, would be that when the subject should be taken up on the 31st of January then the Senate would proceed with its consideration continuously until disposed of.

Mr. BURROWS. The difficulty with the proposition is that other matters of very great moment may press upon the Senate, and it would hardly seem fair or just for the Senate to preclude and make it impossible to take up other matters, however pressing, before it for consideration.

It seems to me that the Senator from Indiana ought to be content with the assurance I have given time and time again, and to which I think every Member of the Senate agrees, that this matter shall be disposed of before the present session closes. Therefore, in view of that, I do not see the necessity of fixing the exact day or hour when a vote shall be taken.

If there is anybody on earth who wants to get rid of this case more than I do I should like to see him. We are all anxious to get rid of it, and upon the assurance given I should think the Senator might possess his soul in patience.

If he has anything to say in regard to this case, of course the Senate will be delighted to hear him.

Mr. BEVERIDGE. Mr. President, unfortunately the legislative situation is such that the Senator himself can give us an assurance only for himself. In view of his earnest desire, which all of us can appreciate and which all of us readily understand, to speedily dispose of this unpleasant case, I had hoped that he would agree on the day suggested. It is the third time I have put the request for unanimous consent.

Let me point out to the Senator and to the Senate that the only certain way of disposing of this or other matters of grave importance coming before us is that we shall agree to a time, as usually is the case, to conclude debate and to come to a vote and dispose of it. That being understood, we can go on with the rest of the business. That is the universal way in which practically in a conjuncture like this matters are ever disposed of.

I remarked a moment ago, and will show in a moment, that we now have a legislative log jam which can not be broken up unless some one of the locking logs be removed. For example, on Monday, I am informed, the legislative appropriation bill will come in. On Tuesday the Indian appropriation bill will come in. That is a bill which usually consumes two or three days. It always has in it the sources, if not of prolonged, at least of heated, debate. Then come the other five great appropriation bills. Here is a proposed change in our fundamental law, whose supporters want to press it to a vote. Here is the unfinished business. There will be at least one other matter of most serious importance, involving, I think the Senate will find, the country's welfare and even, perhaps, the country's safety. Another matter of capital importance must be considered and concluded. How are we going to be assured by any Senator that any vexed question can be disposed of, if we do not resort to a unanimous-consent agreement, unless, indeed, the Senate takes the situation in its own firm hand and brooks no further delay.

If the 31st day of January, which is 11 days from now, should be too early to give everybody a chance to be heard who desires to be heard, I make the request for one week later. That will be on the 7th of February. I put it in the same form I put my former request. I ask unanimous consent for that date, Mr. President, in the form already put.

The VICE PRESIDENT. The Secretary will state the request.

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

Mr. GALLINGER. The regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded. The regular order is the calendar under Rule VIII.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent to call up Senate joint resolution 134.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. CARTER obtained the floor.

Mr. NELSON. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I do.

The VICE PRESIDENT. The Senator from Minnesota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Clapp	Guggenheim	Piles
Borah	Crane	Heyburn	Scott
Bradley	Crawford	Jones	Simmons
Brandegee	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Lodge	Smoot
Brown	Davis	Lorimer	Stephenson
Bulkeley	Dick	Martin	Sutherland
Burkett	Dillingham	Nelson	Swanson
Burnham	Elkins	Newlands	Taliaferro
Burrows	Frazier	Oliver	Warner
Burton	Frye	Page	Wetmore
Carter	Gallinger	Paynter	
Chamberlain	Gamble	Perkins	

The PRESIDING OFFICER (Mr. ELKINS in the chair). Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, in the early days of the present session the Senate referred to the Committee on the Judiciary a joint resolution providing for the submission to the States of an amendment to the Federal Constitution providing for the election of United States Senators by a direct vote of the people. After giving that resolution consideration the committee reported back to the Senate an amended resolution which embodied the subject matter referred to it, but attached thereto an additional proposition which I deem of very great importance. In the course of the ornate speech made by the Senator in charge of the joint resolution [Mr. BORAH], no intimation was given nor could inference be drawn from what was said indicating the gravity of this additional matter.

The joint resolution proposes two separate and distinct amendments to the Constitution and unites them in such manner that they can not be divided at the polls nor in any legislative assembly. A voter or a legislator in favor of one and opposed to the other amendment could not exercise a free choice, for he would be compelled to vote for both in order to secure the one he favored, or against both to defeat the one he opposed. The amendments present two separate and independent questions upon which both electors and legislators will inevitably disagree. Full and free consideration of either one of the proposed amendments does not in any way require consideration of the other, whereas the uniting of the two questions, as in this resolution, precludes the fair consideration of either. It may well be taken for granted that an overwhelming majority of the voters and members of the legislature of a State might favor the

election of United States Senators by popular vote and at the same time stand unalterably opposed to the permanent disfranchisement of the colored man in such States as might think proper to deny him a voice in the selection of United States Senators. Had the committee joint resolution proposed the repeal of the fifteenth amendment to the Constitution in conjunction with the proposal for the election of Senators by popular vote, uniting the questions so as to make them indivisible, how many Senators would vote in the affirmative or how many legislators would approve the dual amendment if submitted? In my judgment such a joint resolution would be overwhelmingly rejected in both branches of Congress; and if not, surely two-thirds of the State legislatures would rebuke the submission of the conjoined amendments to them.

And yet, sir, the joint resolution now under consideration proposes to submit to the States for their approval two amendments to the Constitution indissolubly united in one proposition, which, if adopted, will not only transfer the election of United States Senators from the legislatures to the polls, but will also repeal the constitutional provision which empowers the Congress to make or alter regulations as to the time and manner of choosing Senators. To the end that the exact issue may be clearly comprehended, let me quote the two paragraphs of the Constitution involved and the amendments proposed thereto:

Paragraph 1, section 3, Article I.	Amendment proposed.
The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; and each Senator shall have one vote.	The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Paragraph 1, section 4, Article I.	Amendment proposed.
The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.	The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

It will be perceived that paragraph 1 of section 4 empowers Congress to make or alter regulations as to the times and manner of choosing Senators and that the amendment offered by the committee annuls that power, and by placing it exclusively in the States forbids its exercise in any manner by the Congress or the Senate upon any theory of implied power. Under such a constitutional provision Congress would be unable to make any law or regulation for the protection of senatorial elections against fraud, violence, or corruption.

A State desiring to avoid accountability to the Senate under the fourteenth or fifteenth amendments would of course choose United States Senators at special elections to be held at such times and conducted in such manner as the State authorities might see fit to approve. The right of a person to a seat in the Senate could not be challenged on account of fraud, violence, or corruption at the polls, regardless of the extent to which citizens had been thereby denied equal protection of the laws or the right to vote.

The right of the Senate to judge of the election of its own Members would be limited and abridged by the amendment granting sole and exclusive power to the States to determine the manner of conducting the elections. If the limitation of congressional power to enforce the last two amendments of the Constitution by denying seats in this Chamber claimed by violators thereof is the end in view, let us approach the subject openly and without concealment. To preserve the power of Congress to prescribe the times, places, and manner of electing Members of the House of Representatives and to emasculate it in that respect as to the election of Senators presents a sad spectacle of pitiable indirection.

When Senators are elected by popular vote, how can anyone explain why Congress should have less power over elections than it now has and under the proposed amendment will continue to have as to the election of Members of the House? There is neither logic nor justification for any such position. The proposal to submit a constitutional amendment to deprive Congress of the right to enact appropriate laws to guard the election of its Members against fraud, violence, or corruption was never brought to the attention of the American people until this joint resolution was reported to the Senate on the 11th day of this month.

The election of Senators by direct vote of the people has long occupied a prominent place in the public mind and upon that question the Senate is well informed and prepared to vote. That question is plain, simple, and well understood by everyone; but it comes to us burdened with a rider which for the first time offers an amendment to the Federal Constitution striking at the very vitals of the parliamentary body called upon to consider it. If the portion of the amendment which I can with propriety refer to as the rider should be adopted, the Senate of the United States would be the only elective legislative body in Christendom devoid of authority to participate in framing the laws and regulations governing the times and manner of electing its own Members. Why was this rider attached to the proposal to submit the question of electing Senators by direct vote? It is apart from, rather than a part of, the main question upon which the public mind has been centered. It is not in nor was it suggested in the remotest degree by the resolution which the Senate referred to the Judiciary Committee for consideration. The committee reports favorably in substance on the joint resolution referred to it by the Senate, and then volunteers to involve the question with a subject not referred to the committee at all. The rider can not be regarded as incidental, because it presents an independent vital question reaching to the very root of free government; for when you deprive any elective parliamentary body of power to keep the channel between the voters and the legislative chamber free from obstruction or pollution by fraud, violence, or corruption, you condemn that body to degradation and death.

In ex parte Yarbrough, One hundred and tenth United States, at page 657, quoted yesterday by the Senator from Utah [Mr. SUTHERLAND], Justice Miller, in commenting upon the exercise of congressional power on the subject in question, employed the following strong and pertinent language:

> That a Government whose essential character is republican, whose Executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.
>
> If this Government is anything more than a mere aggregation of delegated agents of other States and Governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.
>
> If it has not this power, it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

The joint resolution under consideration inaugurates a proceeding intended to bring about the election of Senators by the people directly just as Members of the most numerous branch of the Congress are elected. Why, I pray, should the Congress be left all powerful as to the election of Members of the House and as to the election of Senators "left," in the language of the learned justice, "helpless before the two great national and historical enemies of all republics, open violence and insidious corruption?" Obviously the Republic would not be placed in greater peril "by violence and insidious corruption" attending the election of Members of the House than in the election of Senators. Then, since the danger is common to both, why should the power to control the election of Members of the House be preserved and at the same time relinquished as to the election of Members of the Senate, the election in each case being by popular vote as contemplated by the joint resolution? The boundless realms of reason can supply no answer to the question favorable to the attitude of the committee.

In the absence of any known reason for the sudden and unexpected appearance of this curiosity in the list of legislative jockeys, those in quest of some assignable cause for its presence are driven to look for the impelling motive behind it.

It was manifestly used as a float to bring the main amendment out of the committee room. Those who accepted that mode of transportation had more zeal than knowledge, for if the float does not serve as a sinker in either branch of Congress it will surely prove a deadly weight in more than one-fourth of the State legislatures.

The occasion demands plain speech and forbids evasion. Not content with the success obtained in suppressing the negro vote through a curious variety of State constitutional provisions and legislative devices, certain Senators now seek to absolutely deprive the General Government of all power to guard and protect the elections of Members of this body not only from the consequences of the provisions and devices suggested, but also from such fraud, violence, or corruption as may taint a Senatorial election North or South. The adoption of the amendment would give substantial though limited national sanction to the disfranchisement of the Negroes in the Southern States. In their disfranchisement we now passively acquiesce, but with this supine attitude some Senators are not content; they ask us to actually strip Congress of the power to question election methods and actions in so far as the election of United States Senators may be concerned, and by way of inducement to the Con-

gress and the Nation to consent to the permanent suppression of more than a million votes at elections to choose Senators they will cooperate in the adoption of a constitutional amendment providing for the election of United States Senators by direct vote of the people. I can not bring myself to believe that any Senator will maintain any such position when a vote is taken, and I am therefore convinced that Senators who supported the rider in committee under pressure of supposed necessity made a mistake to which they should not adhere.

We are admonished that the joint resolution will fail if the Senate restricts it to the election of Senators by direct vote. This would indicate that limitation of the power of Congress to supervise senatorial elections is of primary importance in the minds of the Senators who advocate the rider, and I doubt not it is so considered in certain quarters.

I do not wish to dwell on the perplexing questions confronting the Southern people, nor is it my desire to recall ancient controversies, with their feelings of bitterness and sectional animosity, but let me warn the Senators who urge this proposed constitutional limitation that they had better allow time and a tolerant public sentiment to aid in the solution of certain problems rather than to invite the country to give constitutional sanction to deplorable expedients which every patriotic citizen must earnestly pray may not be long deemed necessary, even in the South. With the so-called Lodge election bill I was not in sympathy, although I voted for it after its approval by the Republican House caucus. It was a mistaken attempt to exercise power under circumstances and conditions certain to bring forth resistance, with an attendant train of social and political disturbances, if not disasters. The strong though futile attempt to pass that bill was followed by a reaction that swept practically every section of the old Federal election laws from the statute books, but there the reaction stopped, and the country settled down in patience for a period of reflection and observation. As the lives of men are measured, this period may be long continued unless the men of the South shall insist upon immediate and final disposition of the issue by the abrogation of the power of the Federal Government to deal with it. The part of the committee amendment of which I complain would make a long stride in that direction; but if it were possible to secure its adoption, I submit to my senatorial brethren from the South that the agitation, friction, and ill feeling inseparable from such a subject would neutralize every possible benefit and reopen rather than finally close the question. As the people of the North acquire greater knowledge of the perplexing political problems of the South they become more and more inclined to look upon the situation in a sympathetic way, trusting for a solution to time, industrial education, the spirit of justice, the love of law, and that respect for human freedom and human rights which is a natural characteristic of our countrymen in all sections of the Union. Is it not more wise to court continuance of the normal orderly process of settlement rather than to disturb it by precipitating an acrimonious discussion of the matter in every school district in the land? The discussion could not be otherwise than harmful.

The statement of the Senator in charge of the joint resolution [Mr. BORAH] that many States have passed resolutions favoring the election of Senators by direct vote is true, but as applied to the rider, to which I object, the statement is entirely misleading. Not one State has, to my knowledge, asked for the submission of an amendment to the Constitution to deprive the Congress of power to pass a law making or altering regulations as to the time of electing Senators and the manner of conducting the elections.

If any change is to be made in the first paragraph of section 4 of the Constitution, which I have quoted, the power of Congress should be enlarged so as to apply to the places of holding the elections of Senators, since it is proposed to provide for the elections by popular vote. Congress has power to legislate regarding the places, times, and manner of holding elections for Members of the House, but legislation as to the places at which the election of Senators may be held was reserved to the States, because the elections were to be made by the legislatures and it was not deemed proper for Congress to determine the place of meeting for a legislature; but under an amendment transferring the election of Senators from the legislatures to the polling places the reason for the limitation disappears. An amendment to make the power of Congress uniform would be eminently appropriate, but the complete abrogation of the power of Congress on senatorial elections is intolerable. Little consolation can be drawn from paragraph 1 of section 5 of Article I of the Constitution, which provides that "each House shall be the judge of the elections, returns, and qualifications of its own Members," for it is evident that if Congress is deprived of the right to legislate on the times and manner of electing Senators the States will possess supreme power in the premises and the Senate will not be at liberty to inquire into the manner of exercising that power. The Senate would be confined to judging the returns and qualifications of its Members. Absolute control of the elections being left to the States the Senate would not be authorized to go behind the returns.

On the adoption of the amendment offered all national laws regulating the time and manner of holding elections would cease to apply to elections of United States Senators. Each State might fix a different date for such elections and designate different election days for various parts of the State. The election held in a given part of the State on one day might be declared void and the result, as determined by the votes cast on other days in other sections of the same State, certified as the true and correct result of the election.

The Federal law now provides that a Senator shall be elected at the meeting of the State legislature next preceding the beginning of the term to be filled, thus practically prohibiting the election of any person by a given legislature for more than one full term of six years in the Senate.

Under the amendment recited in the committee joint resolution there is nothing to prevent a State from electing one person for 10 terms in the Senate or 10 persons for one term each at the same election. The State being invested with exclusive power to control the time of the election of a Senator could not be called to account for the manner of exercising that power.

We have known and will again experience periods of intense partisan feeling, sometimes in sections and sometimes all over the country. Frequently recurring elections, with their attendant opportunities to change public policies and public servants, give the country immunity from the indefinite continuance of the influence of such periods. How different would have been our country's history had it been possible to project the passions and prejudices and follies of one decade into the next or beyond!

A party so earnestly devoted to a national policy as to see only dire disaster in its overthrow will go far to safeguard the cherished cause against the mutations of political fortune. With power to elect Senators of the United States for an indefinite number of terms at one time, the way would be made clear for the passage of embalmed passion, partisanship, or sectionalism from one generation to another. Here would be a verdant field for the boodler and the demagogue, for when the legislature and the necessary State officers were under control, howsoever secured, a bunch of senatorial terms could be taken just as easily as one term.

It will, of course, be contended that no State would pass a law authorizing the things suggested, to which I reply, no State should be invested with power to enact such a law.

When Senators are elected by popular vote it will be highly desirable that the elections shall occur on the same day in all the States, and this desirable uniformity can only be secured by reserving to the General Government the power to fix the time of the elections. Members of the House of Representatives are now elected on the same day in all the districts in conformity with Federal law, and the designation of different days for the election of Senators could not be productive of good, and might become a prolific source of evil. But the amendment proposed by the committee would not only deprive Congress of the power to fix the time, but would also deprive it of any voice in the manner of conducting the election of Senators. The power to prescribe the manner of conducting such elections if transferred to the States would leave Congress without necessary or any power to make or alter any regulation, modify any practice, or reject any method the local authority might think proper to make or countenance. Violence and corruption could disturb and pollute the way to the Senate unchallenged by any authority beyond the limits of the State. Under the Constitution as it is, Congress may protect the election of Senators and Representatives from fraud, violence, and corruption in any and every form, but it is the purpose of the amendment I challenge to deprive Congress of that power as to the election of Senators.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Yes.

Mr. BORAH. May I ask the Senator under what provision of the Constitution we to-day seek to protect this body and the other body from having their Members elected by fraud and corruption?

Mr. CARTER. We seek to protect the elections from the effect of fraud and violence primarily under our right as sole judges of the election of the Members. Second, by the exercise of the power contained in paragraph 1 of section 4 of the Constitution,

the restraining hand of Congress can be laid on fraudulent and illegal election methods.

Mr. BORAH. I wish to ask the Senator further, Does he know of any instance in which we as a Senate have ever utilized the provision of the Constitution, which we now seek to amend, for the purpose of preventing fraud and corruption by means of which a Senator was elected? Do we not act and claim our right to act under the provision of the Constitution which makes this body the judge of the qualifications, election, and returns of its Members?

Mr. CARTER. The Senate is now engaged in the investigation of the election of a Senator.

Mr. BORAH. The Senate is to-day engaged in the investigation of the election of a Senator. Notwithstanding the fact that we have utilized all the power we had under this provision, we are proceeding to investigate it under another provision of the Constitution. We are not seeking to cleanse this body by reason of this provision of the Constitution. On the other hand, it is believed by many that the action of the Senate in passing legislation has superinduced and made advantageous the cause of those who seek to corrupt senatorial elections. It was better when it was left entirely to the States as it was until 1866.

Mr. CARTER. Mr. President, I will very shortly reach the aspect of the case presented by the Senator, but in order that the cogent answer may appear in this part of the RECORD directly connected with the Senator's remarks, permit me to say that as to the election of Members of the House of Representatives, they being elected by direct vote of the people, the Congress has plenary power not only to control the election but to control everything connected with it, either through the State officers or through the officers of the Federal Government. Congress may provide for the punishment of a State officer for the violation of a Federal election law.

Mr. SUTHERLAND. Mr. President——

Mr. CARTER. Just a moment. Not so with the Senate. The Senate may only inquire as to fraud, violence, corruption, or any subject thought to be a proper basis of challenge occurring in the legislative assembly. The Senate does not go back of the election of the legislature, but accepts and gives full faith and credit to the legislative assembly as organized. In case the amendment for a popular vote should be adopted, then the power of the Senate to control elections amongst the people at the polls would be identical with the power now inherent in the Government as to the election of Members of the House subject only to the limitation on the power to designate the places at which the elections are held.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. Yes.

Mr. SUTHERLAND. May I remind the Senator from Montana, by way of reply to the suggestion of the Senator from Idaho, that all that body of election laws that was passed about 1870 and repealed about 1894 was held by the Supreme Court, in no less than four cases, to have been passed under and in pursuance of this provision which the Senator from Idaho is now seeking to repeal?

Mr. BORAH. That was not the question which I presented to the Senator from Montana.

Notwithstanding the numerous legislative acts to which the Senator from Utah refers, and notwithstanding the fact that they remained upon the statute book for a number of years as a dead letter, notwithstanding the fact that we afterwards repealed them, we always proceeded to purify or cleanse both the lower House and this House through another provision of the Constitution. Those provisions to which he refers relegated matters to the court. But it is unreasonable to say that if this provision of the Constitution is taken away we still have not the power to control the election of Members to the lower House and to this House with reference to the question of fraud and corruption.

Mr. CARTER. As to the conduct of elections of members of a State legislature the Federal Government is now absolutely powerless under the ancient and unbroken line of holdings on that subject. We accord full faith and credit to the organized legislature of the State, the body charged with the election of a Senator of the United States, and we inquire only into the conduct of the election by that legislative assembly. There is no power to go back to the polling place, but the very moment the scene is changed and the votes for Senator are cast directly by the people at the polls the power will at once be transferred to the new forum, and there we can inquire into fraud, violence, corruption, denial of the right of suffrage, or any other thing which we may deem necessary to the formation of a correct judgment on the facts involved.

Mr. BORAH. The Senator from Montana states the fact exactly as it is, that when this popular election amendment shall have been adopted and the people elect the Senator direct we must go back to the people to find out whether or not the election took place in accordance with clean and decent methods of election. But I maintain that after this change we will have just the same power to go back and inquire into the question of fraud and corruption that we have now, and that the manner of conducting the election would not add one iota of power to this body. It might assist in passing criminal statutes by which the matter could be referred to the courts, but there is no limitation in the Constitution upon the words "to judge of the election" of our Members, and that provision remains intact.

Mr. CARTER. The inference could readily be drawn that the Senator from Idaho regards this provision of the Constitution which is sought to be changed as innocuous. I think the Senator will ascertain before this discussion closes that Senators regard this as the very vital essence of the joint resolution presented; that while it is presented as a mere incident or a rider, it is in truth and fact the main inducing cause for support of the joint resolution itself by a considerable number of Senators.

Senators yesterday very frankly admitted on this floor that if this power of Congress were not stricken down by the amendment they would not support the joint resolution.

Mr. President, it is axiomatic that all proceedings in the Senate are based upon the theory that State governments in their official actions are entitled to full faith and credit. Indeed, in obeying the Constitution of our country we are compelled so to assume. Therefore when the State is not by implication but in special terms made the sole repository of power for determining the time and manner of conducting the elections of Senators, the certificate of the proper officers of the State that the election was properly conducted will become conclusive upon the Senate precisely as we now accept the organized legislature as the regularly constituted organ of the States and do not proceed to inquire how the Members were elected.

Mr. BORAH. The Senator will pardon me for a moment. In section 4 of the Constitution is found this provision, which we are discussing:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

Then follows section 5:

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

Under that we have proceeded to do all we have ever done effectively for the purpose of protecting the purity of elections. It is under that provision that we are now inquiring into the alleged fraud and corruption of the senatorial election from Illinois.

Mr. SMITH of Michigan. Mr. President——

Mr. CARTER. I should like to ask the Senator from Idaho a question and then I will yield to the Senator from Michigan.

Why does the Senator present a resolution preserving this power as to Members of the House and relinquishing it as to Members of the Senate? If it is of no avail whatever, why not repeal the clause entirely or substitute another, vesting in the States the sole power as to the election of both Members and Senators?

Mr. BORAH. I answered the question of the Senator the other day by saying that which I now repeat, that I think it is wise that we should do so; but we were not dealing with the subject other than as it related to the election of Senators.

So far as I am concerned, I do not believe there is anything like the virtue in this provision of the Constitution that some claim, nor the fear of danger that others seem to think lies in its repeal.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Yes.

Mr. SMITH of Michigan. I should like to ask the Senator from Idaho whether he thinks there is any virtue in the constitutional authority to prescribe a time, which shall be uniform throughout the country, for the election of Senators.

Mr. BORAH. I could answer that by saying that in my judgment history has proved there is little virtue in it. It has never been enforced with any advantage. It was not sufficient to protect the situation in certain parts of the country, and hence the fourteenth amendment.

Mr. SMITH of Michigan. If the Senator will pardon me, I think there is much virtue in this provision. Suppose the Senate were to be nearly equally divided along political lines and

the proposition for the election of Senators was about to be put into effect by a State, does not the Senator from Idaho think that under great pressure and political stress, such as sometimes affects the republican form of government when sharp differences exist and Senators had already been chosen in a portion of the States at one time and the result definitely and distinctly known by the people of the entire country, that it might be a great temptation to the people of other States, who had not yet acted, to take advantage of the political situation thus foreshadowed and govern their elections to the advantage of their own party contention?

I do not think that it is an extravagant proposition at all. Time and again in the history of this country in the choice of a President of the United States I have been happy in the thought that the Constitution requires us to cast our votes upon the same day for that high office and that the returns of the Electoral College must be made to the same place upon the same day, thus insuring uniformity and governmental stability. The Senator from Idaho can recall, as I do, that not many years ago, when the returns from a single State were delayed in transmission to the central point, that fraud and corruption were charged, and to this day that stigma has not been removed. Only yesterday I heard it repeated that the returns from the State of Oregon in 1876 were held back purposely that they might reflect a result other than that which had been determined by the returning board.

Mr. President, I give the Senator from Idaho full credit for being prompted by the purest motives and the loftiest patriotism in the report which he has brought before the Senate, and he has illuminated the theme—the popular election of Senators—with the same ability that always characterizes his utterances here, and I favor the principle he contends for and expect to vote for it. But it does seem to me that, if there were nothing else worth contending for in the proposition of the Senator from Montana, we ought at least to hold fast to the idea of uniformity in choosing our Senators at a time to be prescribed by the Congress of the United States.

Mr. BORAH. Mr. President, just a word, and I will not interrupt the Senator from Montana further. We have undertaken by this amendment to give the people the power to elect Senators by popular vote. That requires upon their part the exercise of judgment and discretion and patriotism. Those who advocate this measure believe that the time has come when the people have prepared themselves to exercise a power which has hitherto been denied them. Now, if the people are capable of electing Senators by popular vote, it seems to me the same wisdom and the same judgment and the same patriotism upon the part of that great electorate could be trusted to fix the time when they will do so. The controlling proposition is to elect Senators. The time is an incident, and to say that the people have the judgment and the patriotism to exercise the power of electing a Senator and then have not the judgment to fix the time seems to me to answer itself.

Mr. CARTER. On matters of general concern, upon which no serious division exists anywhere, it has been found impracticable for the States to enact uniform laws. For well-nigh a century efforts have been made to secure uniformity in laws relating to business transactions common to the whole country, and that effort has resulted in lamentable failure because of the inability of the States to come to an understanding. That uniformity as to time is desirable there can be no question; that it is vital in many respects I believe, and the only way to secure that uniformity is the way pointed out by the fathers who framed the Constitution—the lodgment of the power to fix the time in the Central Government and through the Congress of the United States.

The mere existence of the power goes far to compel wholesome regard for the fifteenth amendment to the Constitution in all the States and congressional districts, and when Senators are elected by popular vote that power will be more potential than at present, because it will be competent to inquire whether or not the election of a Senator was secured through the employment at the polls of means and methods in violation of the fifteenth amendment, and to deny a seat in the Senate when found to be the offspring of such violation.

Those who insist that although bereft of voice as to the manner of holding the elections of its Members the Senate could nevertheless refuse admission to a person claiming a seat in the Senate by virtue of an election conducted in violation of the fourteenth or fifteenth amendments to the Constitution, do not meet the question at issue.

It will be freely admitted that the amendment is not intended to extend but to abridge the power of Congress by depriving it of supervisory control over the election of Senators. Those who urge the amendment manifestly desire to remove such elections from Federal scrutiny, so that questions involving the equal protection of the laws as guaranteed by the fourteenth or the right of citizens to vote as guaranteed by the fifteenth amendment may no longer remain subject to any measure of Federal examination or control in so far as the election of a United States Senator may be concerned.

If the resolution providing for the election of Senators by direct vote of the people is adopted and the Constitution is left unchanged in the particular I am now considering the Senate would have the undoubted right to inquire into the manner in which an election had been conducted at any polling place in a State, and the investigation could be given the widest possible range. Such investigation could with propriety extend to every question growing out of or connected with the rights of citizens under the fourteenth or fifteenth amendments to the Constitution; but the right of the Senate to make such investigation would be extremely doubtful in the presence of a constitutional amendment transferring to the States sole power to control such election.

At present the Senate does not inquire into the election of members of a legislature, but yields full faith and credit to the legislative assembly as organized. It may scrutinize the manner of conducting the election of a Senator by the legislative assembly, but it does not go back of the legislature to the polling booths to ascertain how the members of the legislature were elected. Should the States be as here proposed invested with full power to prescribe the manner of conducting senatorial elections, would not the Senate be precluded from questioning the manner prescribed or the methods employed at such election? Would not a certificate of election, in due form, when properly certified by the legally authorized officers of the State, be conclusive on the Senate as to all questions save and except those touching the qualifications of the person named in the certificate to hold a seat in the Senate?

If the answer be affirmative or evasive, I maintain that the adoption of the amendment would either paralyze or imperil the most efficient agency at the command of the Federal Government for the protection of the rights of citizens under the fourteenth and fifteenth amendments to the Constitution.

I do not contend that the right to vote at either State or national elections is directly given by the General Government. The fifteenth amendment neither gives nor authorizes the Congress to bestow the right to vote. That amendment prohibits the United States or any State from making any discrimination in the exercise of the right to vote on account of race, color, or previous condition of servitude. It does not confer the right of suffrage upon anyone, but it exempts every citizen from the prohibited discrimination. It invested the citizen with a new constitutional right, and that right the Congress is empowered to protect. The amendment erased the word "white" from the constitution of every State by declaring that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 provides that—

> The Congress shall have power to enforce this article by appropriate legislation.

It will be perceived that the fifteenth amendment, just quoted, relates to all elections, whether State or national. It is broader in one sense than section 4 of Article I of the Constitution which the Senate amendment proposes to emasculate, but in other respects, and principally in the matter of providing direct and efficient remedy, it is more narrow. The fifteenth amendment operates only on the States and not on the citizens thereof.

In the case of The United States *v.* Reese, Ninety-second United States, page 214, the Supreme Court held that the act of Congress which made it a crime to hinder, delay, or restrict any citizen from doing any act to qualify him to vote or from voting at any election was void, because its operation was not confined to cases in which the interference was on account of race, color, or previous condition of servitude.

In James *v.* Bowman, One hundred and ninetieth United States, page 127, the Supreme Court held an act of Congress void which prescribed the punishment of individuals who, by threats, bribery, or otherwise, should prevent or intimidate others from exercising the right of suffrage as granted by the fifteenth amendment. Numerous citations to like effect could be made.

The authorities abundantly show that an act of Congress to punish individual action can not be sustained under the fifteenth amendment of the Constitution. The individual fraudulently or unlawfully deprived of the right to vote is for all practical purposes left without remedy except such as he may obtain by and through an action for damages. At the same time it must be remembered that any law designed to call a sovereign State or all the people thereof to account will always be found

difficult to administer, while punishment will always be impracticable under our system of government. But under section 4 of Article I of the Constitution, which the pending resolution seeks to emasculate, the power of Congress to secure fair Federal elections is unrestrained, and if the instrumentalities employed are insufficient the Congress alone will be to blame.

It is this power to protect citizens in their rights guaranteed by the Constitution that the committee proposes to strike from that instrument by means of the proposed amendment, which the country understands is confined solely to the one question of electing Senators by direct vote of the people. These questions are in no manner correlated necessarily. Why did the committee not permit the Senate to vote upon the question for which the country has been calling for years and years, almost from the beginning of the Government? Indeed, in the Constitutional Convention itself a distinguished representative from Pennsylvania—Mr. Wilson, I believe—insisted that Senators should be elected by a direct vote of the people. The legislature was invoked as a method of expressing the sovereign will of the State only after long-continued debate and much doubt as to the method to be employed. That question, as I have said, has been long discussed, is well understood, and the country demands that an amendment be submitted to the Constitution providing for the direct election of Senators; but we will search in vain for any call from any source, consult as we may all the avenues of public expression, for the emasculation of the power of the Congress to control the election of Members of Congress.

Mr. President, I am sorry this question was brought forward. It is said that it will inevitably in the end imperil the joint resolution which was referred by the Senate to the committee. For that peril the Senate is not responsible. We are charged with the duty of supporting the Constitution of the United States and preserving to this Government the necessary power to perpetuate its own life. Time has shown that the continuance of parliamentary government requires that each House of the Parliament should have the right of control over the election of its members. In every State legislature that power is inherent. In the British Parliament it has been exercised from the beginning. In every parliamentary body in Europe, yea, I might say, broadly speaking, in Christendom, the right of a legislative assembly, whether State or national, to prescribe the rules to govern the election of its own members exists, and never has been seriously challenged until this resolution was brought into the Senate.

As I intimated in the beginning, I am prepared to vote, and will vote, if the opportunity is given, for the resolution to submit the question of an amendment to the Constitution providing for the election of Senators by a direct vote of the people. I will vote for such submission. But, Mr. President, I will not vote for any such submission at the price demanded.

It would be useless to submit the resolution to the States. Senators here well know that more than one-fourth of the States in this Union would indignantly repel a suggestion which, in effect, would constitute a sanction of the disfranchisement of the black man in the South. We are told that unless this resolution is encumbered by such a proposition Senators from the Southern country will not support it at all. I can not agree to that view. I should like to have the resolution limiting the power of Congress presented here independently. I venture to say if it is so presented as an independent proposition, there is not a Senator on this side of the Chamber who would support it, and I do not believe we ought to be coerced into its support in order to get something we desire to submit to the people.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. Do I understand the Senator to contend that if the joint resolution is passed as it is proposed it will impair the provisions of the fourteenth amendment of the Constitution?

Mr. CARTER. I do insist that it will destroy the most efficient agency at the command of any branch of the Federal Government for enforcing respect for the fourteenth and fifteenth amendments.

Mr. BORAH. The Senator does not understand my question. I ask the Senator from Montana if he seriously contends that the passage of the joint resolution will in any respect impair any of the provisions of the fourteenth amendment?

Mr. CARTER. I think it would undoubtedly remove the Federal Government, as to the election of Senators, from all power and authority to scrutinize or to prescribe rules or regulations for the election of Senators in the respective States.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator further yield?

Mr. CARTER. I do.

Mr. BORAH. To be more specific, may I ask the Senator from Montana what particular provision or clause of the fourteenth amendment he thinks would be impaired?

Mr. CARTER. I am not speaking of the impairment of the fifteenth amendment. I am speaking of the remedy for the enforcement of the amendments. The fourteenth amendment guarantees the equal protection of the laws. The equal protection of the laws has been, and probably will be again, denied to citizens on election days all over the country.

The fifteenth amendment provides that neither the United States nor any State shall deny to a citizen the right to vote on account of race, color, or previous condition of servitude. Federal control of elections carries with it the power to compel obedience to these constitutional provisions at elections.

What good purpose, I ask the Senator, will be attained by denying the Congress of the United States the privilege of authorizing the inspection of elections and the ascertainment of the fact as to whether a citizen is being deprived of his right to vote under the guaranties of the amendments? What injury would come? Why limit this power?

Mr. BORAH. I am not seeking to limit the power that is given under the fourteenth amendment. However, I rather drew the inference from the Senator's argument that he thought we were interfering with some of the provisions of the fourteenth amendment.

Mr. CARTER. No; Mr. President, we are striking down the strongest arm the Federal Government can wield for the enforcement of the rights of citizens under those amendments.

Mr. BORAH. Mr. President, may I ask the Senator——

The VICE PRESIDENT. Does the Senator from Montana further yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. May I ask the Senator if, under the provision as it now exists, we can prevent, as he says, the disfranchisement of the Negro in the South, why was it necessary to pass the fourteenth amendment at all?

Mr. CARTER. Mr. President, the passage of the fourteenth and fifteenth amendments to the Constitution occurred, as the Senator well knows, for the purpose of giving the substantial character of permanent constitutional guaranties of certain rights to the liberated black man in common with all other citizens.

Mr. BORAH. But I understood the Senator to say that that would be stricken down if this amendment were made.

Mr. CARTER. The Senator can not put me in that position. My insistence is that it would strike down one of the most potential agencies at the command of the Federal Government for the enforcement of respect and regard for the rights of citizens as guaranteed by the amendments referred to.

I now ask the Senator, since he is upon the floor, What good purpose will be served by depriving Congress of supervisory control over the election of Senators?

Mr. BORAH. My judgment is that the good purpose to grow out of the result would be that the States will control it more effectually and better than it has been controlled or can be controlled by the Federal Government. I repeat that I think it is unwise to say that the people have sufficient virtue and patriotism and judgment to elect a Senator and have not sufficient judgment to fix the manner of doing it.

Mr. CARTER. I will ask the Senator, What evil has proceeded from the exercise of this power?

Mr. BORAH. I will answer that. Prior to the time when we undertook to exercise this power and to control the matter ourselves we had but one election-bribery case in the Senate of the United States. Since we have fixed the rule and established the method we have had 10.

Mr. CARTER. What connection is there between the power of Congress to supervise an election when not exercised at all, as is the case at present, except as to prescribing the formula for the legislature? How can that have produced the bribery? What law has Congress passed that has contributed in any manner, shape, or form to that result?

Mr. BORAH. The act of 1866, under which we proceeded to elect Senators, passed under this provision of the Constitution, has led precisely to what Senator Sherman said it would lead—to deadlocks in legislatures and corrupt and unclean elections. History has proven that he was a prophet. Mr. Sherman contended, as we contend to-day, that these matters should be left to the States; that no one was so well fitted as the people who are there upon the ground to select their candidates and prescribe the manner in which they may best do the work. We are not without precedent for this matter.

Mr. CARTER. Mr. President, I fail to perceive in the answer of the Senator any particular description of the evil which would proceed or which has proceeded or is likely to proceed from the existence of the power to fix the time and manner of holding the elections of Senators. If that evil exists, let some one point it out, because clearly, on lines of logic and reason, if an evil flows from the power we should strike down the power as to Members of the House of Representatives as well as to the election of Senators.

In that behalf the Senator from Idaho says that we hope that this will prove such a luminous, reassuring example that some later generation may amend the Constitution by withdrawing the power as to Members of the House. If there be adequate reason in support of this amendment as to Senators now, it must be equally forceful as to Members of the more numerous branch of Congress. I can not perceive the logic which would withdraw the power from the Federal Government and transfer it exclusively in special terms to the State as to the Senate and retain it unimpaired as to the election of Members of the House of Representatives.

Mr. President, there having been much said in the course of this discussion with reference to the powers of Congress under the terms of the constitutional provision which this objectionable part of the joint resolution proposes to amend, I will ask the privilege of inserting as a part of my remarks the majority opinion of the court in the well-considered case of ex parte Siebold, found in One hundredth United States, 271. That was a case in which this subject of power in Congress is probably more thoroughly discussed than before or since. Justice Field exhausted the minority view, and yet the court held that this power under the Constitution, under the special clause of the instrument which the joint resolution proposes to amend, is a plenary power, giving the Congress the right of supreme control of the elections referred to. I believe it will be useful to have the extent of the power as defined by the Supreme Court set forth in connection with my remarks. If there be no objection, I will ask that extracts from this opinion and likewise extracts from the opinion in the case of ex parte Yarbrough, which followed, and affirmed the Siebold case, be inserted.

The VICE PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

The majority of the court in their opinion say: "There is no declaration that the regulation shall be made either wholly by the State legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, the necessary implication is that it may do either. It may either make the regulations, or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary cooperation of the two Governments in regulating the subject. But no repugnance in the system of regulations can arise thence; for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power 'to make or alter.'"

As to the supposed incompatibility of independent sanctions and punishments imposed by the two Governments for the enforcement of the duties required of their respective officers of election and for their protection in the performance of those duties, the court say: "While the State will retain the power of enforcing such of its own regulations as are not superseded by those adopted by Congress, it can not be disputed that if Congress has power to make regulations it must have the power to enforce them, not only by punishing the delinquency of officers appointed by the United States, but by restraining and punishing those who attempt to interfere with them in the performance of their duties; and if, as we have shown, Congress may revise existing regulations, and add to or alter the same as far as it deems expedient, there can be as little question that it may impose additional penalties for the prevention of frauds committed by the State officers in the elections, or for their violation of any duty relating thereto, whether arising from the common law or from any other law, State or national. Why not? * * * It is objected that Congress has no power to enforce State laws or punish State officers, especially has no power to punish them for violating the laws of their own State. As a general proposition this is undoubtedly true; but when, in the performance of their functions, State officers are called upon to fulfill duties which they owe to the United States as well as to the State, has the former no means of compelling such fulfillment? Yet that is the case here. It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not obliged to stand by as a passive spectator when duties are violated and outrageous frauds are committed. It is directly interested in the faithful performance by the officers of elections of their respective duties. Those duties are owed as well to the United States as to the State. This necessarily follows from the mixed nature of the transaction, State and national. A violation of duty is an offense against the United States, for which the offender is justly amenable to that Government. No official position can shelter him from this responsibility. In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject, it seems almost absurd to say that an officer who receives or has custody of the ballots given for Representatives owes no duty to the National Government which Congress can enforce; or, that an officer who stuffs the ballot box can not be made amenable to the United States. If Congress has not, prior to the passage of the present laws, imposed any penalties to prevent and punish frauds and violations of duty committed by officers of election, it has been because the exigency has not been deemed sufficient to require it, and not because Congress has not the requisite power. The objection that the laws and regulations, the violation of which is made punishable by the acts of Congress, are State laws and have not been adopted by Congress, is no sufficient answer to the power of Congress to impose punishment. It is true that Congres has not deemed it necessary to interfere with the duties of the ordinary officers of election, but has been content to leave them as prescribed by State laws. It has only created additional sanctions for their performance and provided means for supervision in order more effectually to secure such performance. The imposition of punishment implies a prohibition of the act punished. The State laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose; and we think it is entirely within its constitutional power to do so. It is simply the exercise of the power to make additional regulations."

In ex parte Clarke and ex parte Yarbrough the doctrine declared in Siebold's case is reaffirmed, the court saying in the latter case: "If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections from violence and corruption."

In the Yarbrough case the law of 1870 was held to support an indictment charging a conspiracy to intimidate a citizen of African descent from voting. The parties interfered with some others not officers of the United States, as in the Siebold case, but this difference, the court held, had no bearing upon the constitutional power of the Federal Government to punish those interfering.

Mr. CARTER. The decisions of the Supreme Court treating of the disfranchisement clauses of the Southern States, as presented in Prof. Willoughby's recently published work on the Constitution, show how precarious the remedies are for violations of the rights of citizens as guaranteed by the amendments and how difficult the task of enforcing obedience thereto. I quote from the work referred to as follows:

DISFRANCHISEMENT CLAUSES OF THE SOUTHERN STATES.

As has been before adverted to, most, if not all, of the Southern States in which the negro population is very considerable have, by means of constitutional amendments or in constitutions newly adopted, secured, in effect, the almost total disfranchisement of their colored citizens. This, however, has been done, not by disfranchisement provisions expressly directed against the Negroes, but by requiring all voters to be registered and placing conditions upon registration which very few Negroes are able to meet, or at any rate to satisfy the registration officers that they do meet them.

If the courts may freely go behind the terms of a constitutional clause to discover its intent and to construe it by that intent, or if it may test its validity by its actual operation in practice, it would seem that a possible opportunity is afforded for holding void some, at least, of the disfranchising clauses of the constitutions of the Southern States. As yet, however, no case has been brought before the Supreme Court in which the court has consented to make this examination. As to the circumstances under which the court will consent to go back of the terms of a law to determine its real intent and effect, two interesting cases are Yick Wo, *v.* Hopkins and Williams *v.* Mississippi. In the former case the law or ordinance in question was held void in that it attempted to give to an administrative officer an arbitrary discretionary power and also in that an actual arbitrary discriminating use of that authority was shown. In Williams *v.* Mississippi the court declined to hold void the State law in question, the law being upon its face not in violation of the equal-protection clause of the fourteenth amendment and no discrimination, in fact, being proved. In Yick Wo *v.* Hopkins the court say: "Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and unequal hand so as practically to make unjust and illegal discrimination between persons in similar circumstances material to their rights, the denial of justice is still within the prohibition of the Constitution." This doctrine, however, the courts say in the Williams case is not applicable to the constitution of Mississippi and its statutes. "They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

In Giles *v.* Harris, decided in 1903, a colored citizen of Alabama brought an action in a Federal court against the registrars of his county to compel them to register him as a voter, claiming that the provisions of the Alabama constitution upon which the registrars based their refusal to register him were in violation of the equal-protection clause of the fourteenth amendment and of the prohibition of the fifteenth amendment. The Supreme Court, to which the case finally came for adjudication, refused the relief prayed, saying: "The difficulties which we can not overcome are two, and the first is this: The plaintiff alleges that the whole registration scheme of the Alabama constitution is a fraud upon the Constitution of the United States and asks us to declare it void. But, of course, he could not maintain a bill for mere declaration in the air. He does not try to do so, but asks to be registered as a party qualified under the void instrument. If, then, we accept the conclusion which it is the chief purpose of the bill to maintain, how can we make the court a party to the unlawful scheme by accepting it and adding another voter to its fraudulent lists? If the sections of the constitution concerning registration were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. The other difficulty is of a different sort, and strikingly reenforces the argument that equity can not undertake now, any more than it has in the past, to enforce political rights, and also the suggestion that State constitutions were not left unmentioned in section 1979 by accident. In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. This is alleged to be the conspiracy of a State, although the State is not and could not be made a party to the bill. (Hans *v.* Louisiana, 134 U. S., 1; 10 Sup. Ct. Repts., 504; 33 L. Ed., 842.) The circuit court has not constitutional power to control its action by any means. And if we leave the State out of consideration, the court has as little practical power to deal with the people of the State in a body. The bill imports that the great mass of the white

population intends to keep the blacks from voting. To meet such an intent something more than ordering the plaintiff's name to be inscribed upon the lists of 1902 will be needed. If the conspiracy and intent exist, a name on a piece of paper will not defeat them. Unless we are prepared to supervise the voting in that State by officers of the court, its seems to us that all that the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done as alleged by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States."

In Giles *v.* Teasley, which was an action brought to recover damages against the board of registrars for refusing to register the plaintiff as a qualified elector of the State, the supreme court of Alabama held that if the provisions of the State constitution were repugnant to the fifteenth amendment they were void, and the board of registrars appointed thereunder had no legal existence and had no power to act and would not be liable for a refusal to register the plaintiff, while on the other hand, if the provisions were constitutional, the registrars acted properly thereunder and their action was not reviewable by the courts. The Supreme Court of the United States held that the Alabama court had not decided any Federal question adversely to the plaintiff, and therefore that the Supreme Court had no jurisdiction to review the decision of the State court.

In Jones *v.* Montague, decided in 1904, the court declined to review the dismissal of a petition for a writ of prohibition to prevent the canvass of the votes cast at a congressional election—upon claim that the petitioners had, in violation of the Federal Constitution, been denied registration—for the reason that the canvass had, in fact, been already made and certificates of election issued to persons who had been recognized by the House of Representatives as members thereof. The court thus, in any event, not being able to provide any relief, the case became merely a moot one, and as such was dismissed.

In the light of the foregoing unsuccessful attempts to obtain from the Supreme Court relief from the operation of the disfranchising clauses of the State constitutions we have been considering, the question may properly be asked whether it is constitutionally possible for the Congress to provide by legislation means by which the constitutionality of these clauses may be fairly passed upon by the courts and the appropriate relief given. It would seem that much might be done.

As regards congressional elections, Congress has, as we have seen, plenary powers of control, and could take complete charge of both the elections and the registration of the voters. In such case the Federal registrars might refuse to register white voters under clauses of the State laws which they might hold to be in violation of the Federal Constitution, and the voters so refused registration would have to seek redress in the Federal courts and set up the validity of these State laws. As regards State elections, Congress might enact laws giving to Federal courts jurisdiction of actions brought against State registrations of election officials who, in violation of Federal constitutional rights, have refused registration or opportunity to vote to legally qualified persons.

Whether or not such legislation, the possibility of which is above suggested, would be wise is a question by itself. Whether, if wise, it would be efficiently enforced in communities where it would meet strong and united popular opposition is another question. In the last analysis obedience not voluntarily given must, for the most part, be compelled by force applied through the instrumentality of criminal prosecutions. In the face of the united and passionate opposition of the white people of the South such prosecutions in the past have failed to accomplish any permanently useful results. It is probable that convictions would be difficult to obtain even where the offense was flagrant and the guilt of the defendants clear.

The power in either case arises out of the circumstances that the function in which the party is engaged or the right which he is about to exercise is dependent on the laws of the United States. In both cases it is the duty of that Government to see that he may exercise this right freely and to protect him from violence while so doing or on account of so doing. This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

Mr. President, I will say in conclusion that I sincerely hope that the committee will recede from its position and permit us to have a vote upon the main question which the Senate referred to the committee, to wit, a resolution proposing to submit a constitutional amendment to the States providing for the election of Senators by a direct vote.

During the delivery of Mr. CARTER'S speech,

The VICE PRESIDENT. Will the Senator from Montana suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. CUMMINS. May I ask the Senator from New Hampshire whether it is expected that the consideration of this bill shall proceed immediately upon the conclusion of the address of the Senator from Montana?

Mr. GALLINGER. That is my hope and purpose.

The VICE PRESIDENT. No objection is heard. The unfinished business is temporarily laid aside. The Senator from Montana will proceed.

After the conclusion of Mr. CARTER'S speech,

FAMILY OF SAMUELE BADOLATO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 769), which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I have approved the bill H. R. 23081, an act for the relief of the family of Samuele Badolato, who was killed in the course of his employment upon river and harbor improvement, new Lock and Dam No. 5, Monongahela River, West Brownsville, Pa., on April 1, 1909.

From the report made to me by the Acting Secretary of Commerce and Labor it appears that a claim for compensation in this case under the provisions of the act of May 30, 1908, was disapproved by the Department of Commerce and Labor solely because the affidavit of claim was not filed within the statutory period.

It further appears that since the act of Congress of May 30, 1908, went into effect, 21 other claims for compensation on account of death have been disapproved by the Department of Commerce and Labor because the required affidavit of claim was not filed within 90 days after death, as required by section 4 of said act. In justice to these other claimants whose claims have been disapproved for a reason similar to that in this case, I recommend that Congress pass a general act allowing all such claimants compensation, if their claims are otherwise meritorious, rather than provide relief for individual cases.

WM. H. TAFT.

THE WHITE HOUSE, *January 20, 1911.*

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. The Chair lays the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. BROWN. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Guggenheim	Scott
Borah	Cummins	Hale	Simmons
Bourne	Curtis	Heyburn	Smith, Mich.
Bradley	Davis	Johnston	Smoot
Brandegee	Dick	Jones	Stephenson
Bristow	Dillingham	Kean	Stone
Brown	du Pont	Lorimer	Terrell
Bulkeley	Elkins	Oliver	Tillman
Burnham	Fletcher	Overman	Warner
Carter	Frazier	Page	Warren
Chamberlain	Frye	Paynter	Wetmore
Clapp	Gallinger	Percy	
Crane	Gamble	Perkins	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. A quorum of the Senate is present.

[Mr. CUMMINS resumed and concluded the speech begun by him on yesterday. The entire speech is printed below.]

Friday, January 20, 1911.

Mr. CUMMINS. Mr. President, I am opposed to this bill, first, because the principle upon which it is founded is unsound; second, because, if the validity of the principle were granted, its application in this measure is unscientific and uncertain.

I think, Mr. President, that before I examine the provisions of the bill now before us I ought to refer to the act of Congress of which it is an amendment. It is generally believed throughout the country that this is the beginning of an attempt to subsidize our merchant marine, or, to state it more accurately, to create a merchant marine through the medium of a subsidy. The popular notion is an error, for in 1891 the United States granted or made provisions for a subsidy to merchant ships, and I instance it in order to emphasize in the very beginning that we are doing here precisely what it might have been expected that we would do, beginning the subsidy with the grant of a small amount and then increasing it from time to time, as it might seem necessary to those engaged in such enterprises.

The act of 1891 is not only a subsidy in the form of the provision it makes for the mail service, but it is a subsidy in terms; and I desire to read the first section of the act in order that there may be no question whatsoever with respect to its intent and its purpose:

Be it enacted, etc., That the Postmaster General is hereby authorized and empowered to enter into contracts for a term not less than 5 nor more than 10 years in duration, with American citizens, for the carrying of mails on American steamships between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment—

And I beg that Senators who are here will remember this grant of discretion—

as in his judgment will best subserve and promote the postal and commercial interests of the United States; the mail service on such lines to be equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports.

There was no concealment at that time with regard to the purpose, and the chief purpose, of the act. It was intended to give the Postmaster General the power within the limits that are prescribed in this law to expend the money put at his disposal to promote the commercial interests of the United States. The effort then made has been unsuccessful; it has not promoted the commercial interests of the United States to any considerable degree; and now it is proposed to enlarge within a maximum of $4,000,000 the subsidy or donation on the part of the United States to the shipping interests in order again, as it is alleged, to promote these commercial interests.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from Iowa yield to the Senator from Maine?

Mr. CUMMINS. With pleasure.

Mr. FRYE. Mr. President, the only reason why the act of 1891 was not successful and did not revive the merchant marine of this country was that the House of Representatives cut down the rates provided for in the bill as it went to the House from the Senate. They cut them down to such an extent that no man could afford to act under it.

Mr. CUMMINS. Mr. President, I have no doubt whatsoever that the Senator from Maine has stated the exact reason for the failure of the act of 1891. We did not appropriate enough money to make the ships, which it was hoped would be built and operated under the act, profitable, and I want to bring the Senate squarely to that issue. The act of 1891 and the present act can have no other purpose than to begin, at least, a movement that will terminate in a contribution from the Treasury of the United States that will make the business of transportation upon the sea by citizens of the United States in ships of the United States, operated by citizens of the United States, profitable to those who invest their capital in the enterprise. We might just as well put away all these pretenses with regard to the matter and determine here and now whether, in view of the disparity between the cost of the construction and operation of foreign ships and the cost and operation of domestic ships, we intend in the end to appropriate—it matters not how it is done, whether through the guise of mail service or in any other way—enough to enable American citizens in American ships to compete upon the high seas with foreign ships, officered, manned, and operated by foreign subjects. If we intend to do that, then this minute contribution to the object will be an ineffectual and almost absurd attempt in that direction.

As the Senator from Ohio [Mr. BURTON] said a few moments ago, while the subject is not entirely certain, we pay for transportation upon the high seas, including the export business done by the people of the United States, something like $200,000,000 a year. It costs, as everybody knows who has investigated the subject at all, 25 or 30 or 33 per cent more to do that business under the laws of the United States and under the conditions of the United States than it costs under the conditions and under the laws which pertain to the foreign service. And we might——

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. In a moment. We might just as well look far enough into the future to enable ourselves now to come to the conclusion whether we intend to support our merchant marine with a contribution that in the aggregate will exceed $50,000,000 a year. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. This particular question, Mr. President, always seems to excite fantastic theories in the minds of its opponents. The Senator from Iowa knows that this matter will be in the hands of future Congresses. We can not bind a future Congress to increase whatever rate of compensation this Congress sees proper to give for the carriage of our mails. The idea that it is ever going to reach the proportions of $50,000,000 a year or $25,000,000 a year is fantastic. There is no danger of that, and we certainly can trust our successors to be, perhaps, wiser than we ourselves are.

Now, one other point: The Senator from Iowa says that the law of 1891 failed. It did not fail completely; it partially failed. Under that law we are operating four great steamships across the North Atlantic, we are successfully operating steamship lines to Mexico and to the West Indies, but when we come to the long routes of travel to South America we find that it would not pay to put on first-class steamships, and second-class steamships can not do the business at the rate of $2 a mile. So we propose to give them a little added compensation, with a view of establishing those lines. I repeat, the present law has not been a complete failure, but only a partial failure. The Senator from Maine [Mr. FRYE] was the author of that bill. As it passed the Senate, it provided just about adequate compensation to make a successful venture along this line, but when the bill went to another body it was emasculated, and it has partially failed because of that fact.

Mr. CUMMINS. I shall not consume any time in discussing whether or not the law has failed. The Senator from Ohio has traversed that subject so fully that it would be presumptuous upon my part again to take up its details. I agree that those who come after us will probably be wiser and more patriotic—ah, no; I withdraw that; as patriotic as we are—and it is therefore that I hesitate to participate in an act which must be condemned by their higher wisdom, or, if they be not superior to us in that respect, that then may lead them into false paths of national travel. It is still true, as I said a moment ago, that the question we must now decide is whether we intend to compensate for the difference between the cost of doing business upon the ocean as it is seen in the foreign cost and as it is seen in our cost.

It is of little avail to make a contribution that will establish a single line; for, if the policy be sound, if it be a principle which we ought to adopt, then we should make it complete just as rapidly as possible. If it is wise for the United States to endeavor to take her share, if you please—and by share I mean her proportion—of all the commerce from her competitors of other lands by giving to our seamen and our shipowners a sum that will enable them to compete with their rivals on the sea, then we ought to contemplate, at least, even if we do not make the appropriation now, that at some time, just as rapidly as we can, we shall make that contribution adequate to accomplish the full and, as my friend from New Hampshire believes, beneficial result.

I do not believe that it is a sound principle of government. I do not believe that we can rightfully take from all the people of the United States either this small sum of money or any other sum and give it to those who are to enjoy its benefits. I do not believe that the Government of the United States, either in morals or in law, has any right to take money from the Treasury of the United States and devote it to a private purpose—that is, devote it to an enterprise out of which private profit may flow—unless it is sure that all the people of the United States will share alike, share equally in the advantages which may accrue from the subsidized business. I do not believe that this business is such a business as warrants a contribution from the Treasury.

The Senator from Ohio made several distinctions between taxes laid for the purpose of protecting our own markets against foreign invasion and the principle involved in the pending bill, which proposes to contribute not more than $4,000,000 a year to the shipowners and the ship operators who will establish these routes. I do not dissent, or at least I will not dissent, from the reasons that he gave to distinguish these two cases. I do not say whether those reasons are sound or unsound, but there is one further reason which is sound and which satisfies my judgment and my conscience, and which does distinguish the tariff law from a subsidy to steamship lines. The difference—and it is as broad and as wide as the economic world—is this: We believe that duties levied upon imports for the purpose of equalizing the conditions of production between this and foreign countries will directly or indirectly benefit or advantage all the people alike; that if they bear the burdens of the protective duties they also share the blessings or the profits of the protective duties alike, without any discrimination whatsoever. With regard, however, to this contribution for the purpose of building up steamship lines, while I agree it may be a matter of judgment, from my point of view it can not and it does not benefit all the people alike, and therefore what we are asked to do here, if that conclusion be sound, is to take money from one man and give it to another without any compensation whatsoever, or at least without adequate and full compensation.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. It was not long ago that this Chamber rang with denunciations of the protective tariff as being a system of robbery, a system of inequality, and a system of injustice to a large proportion of the people of the United States. The attitude the Senator takes is exactly the attitude of the free trader in regard to our tariff law—that it is an injustice; that it is legislation for a class or for a part of our people, and a

discrimination against the remainder. We talk about equality of opportunity and about equality of citizenship, but there is no such thing as equality. Our rural mail delivery costs the country I do not know how many million dollars, but fifteen or twenty million dollars more than the revenue that is derived from it. It does not benefit the citizens of New York or Baltimore or Philadelphia or Boston or San Francisco or Detroit or Minneapolis. It is for the benefit of the rural communities. It is not a matter of equality as between our citizens. I do not say that as having any special bearing on this question, but I refer to it for the purpose of showing that, while we talk eloquently of equality under the law and all that, there is not any such thing.

Mr. CUMMINS. Mr. President, I hope the Senator from New Hampshire does not imagine that I believe there is anything like a mathematical equality either of advantages or of burdens in a country like ours. Nor do I assent to his view of the postal laws so far as the rural routes are concerned; but whenever it is proposed to take money contributed by the people through some form of taxation and give that money to a private enterprise and for private profit, it must be made to appear, not only clearly but conclusively, that those who contribute the money through taxation will be, broadly speaking, equally benefited; that they will share the advantages of the expenditure of the money just as fully and as completely as those who immediately receive it. There is no other principle upon which we can hold a Government like ours together.

With regard to the view that is taken by some persons of the tariff law, the man who takes that view and the man who holds that judgment is quite right in denouncing the law and in denouncing the policy. It is but logical; it is but honest. But those of us who believe that taxes laid at the custom-houses do distribute themselves over the people as a whole, so that every man, woman, and child, not mathematically but generally and broadly, enjoys like benefits from the operation of the law, do not concede—that is, all of us do not concede—that the people are likewise benefited by the establishment of a steamship line between New York and Rio de Janeiro or between New York and Buenos Aires. We do not concede that, and it has not been proved. On the contrary, every conclusion that can be drawn from the learned and exhaustive argument of the Senator from Ohio is that the people do not benefit from any such expenditure in any such way.

The only sentiment that is gratified—and I will come to that presently—is the national pride. The national pride would like to see the American flag in every port; and I share in that pride; but the question that comes to me is, Am I willing to appropriate for the American merchant marine $50,000,000 or $60,000,000 per year to gratify it, or, further, if foreign nations should in the meantime advance their subsidy grants and we should enter into a mad race of competition with them in subsidies, as we have been doing in the building of battleships, it might be $100,000,000 a year? I am not willing to take the first step in a course which I believe will end in disaster and dishonor.

I call a little further attention to the law of 1891. I want Senators to remember—of course they have all been familiar with it in a way, but I want them to remember just what it is—it provides that the Postmaster General may enter into the contracts that I have mentioned, and it classifies ships into first class, second class, third class, and fourth class. The first-class ships, as I remember, are those of 8,000 tons burden and more and that maintain regularly or ordinarily a speed of 20 knots an hour. I do not know what the construction of the law has been, and I do not know what contracts have been made by the Postmaster General under this law. I have made inquiry, but as yet the information has not come to hand. Possibly the Senator from New Hampshire will be able to answer some of the questions that I may ask as I proceed. This law provides that a first-class ship may have $4 per mile for carrying mail, without regard to the volume of the mail, without regard to the frequency of the service, without regard to anything save the size of the ship and the speed of the ship. It is not true, as I read the statute, that this compensation is limited to the miles which measure the outward voyage. The Postmaster General has the right, in the case of first-class ships, to pay $4 per mile for both the outward voyage and the inward voyage.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. This is the first time that suggestion has ever been made in my presence. I think the law specifically says "outward voyage," does it not?

Mr. CUMMINS. On the contrary, the law limits second-class ships and fourth-class ships to compensation for the outward voyage, but puts no limitation whatever upon first-class ships and third-class ships.

Mr. GALLINGER. Mr. President, if that be so, evidently it was an oversight.

Mr. CUMMINS. It may be. It rather startled me.

Mr. GALLINGER. I have not read the law recently, but I have always supposed that it confined the compensation to the outward voyage. I know the compensation was given simply for the outward voyage; and in my amendment I specifically stated "outward voyage," that being the usual form. I know that no Postmaster General has ever had it in his mind to pay for both the outward and the inward voyage; and, again, I know that the department requires regular sailings under the specifications.

Mr. CUMMINS. I believe, Mr. President, that the Senator from New Hampshire drew his bill with that idea in mind; but I shall presently show him that, as I interpret it, his bill will allow second-class ships $4 a mile for both the outward and the inward voyage and will allow third-class ships the compensation of second-class ships for both the outward and the inward voyage. I pause to say that I do not believe the Senator from New Hampshire intended that interpretation, but I will show him in a moment that it will bear no other.

I return now to the law of 1891. Let us see whether I am right or wrong. Section 5, which is the section that deals with the pay, provides——

Mr. GALLINGER. I will say, Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. The bill that I have presented reads:

That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891—

And so forth—

on routes to South America south of the Equator, outward voyage——

Mr. CUMMINS. No; the Senator did not read it all.

Mr. GALLINGER. I read that much.

Mr. CUMMINS. Unintentionally, the Senator left out the very part which destroys the connection between the outward voyage and the compensation.

Mr. GALLINGER (reading):

In vessels of the second class on routes to South America south of the Equator, outward voyage.

Mr. CUMMINS. Yes; the term "outward voyage" modifies the routes south of the Equator, but it does not modify the compensation that is provided at all.

Mr. GALLINGER. The Senator is overtechnical about that. There is not anything in his contention.

Mr. CUMMINS. I am sure I am not overtechnical. I intended shortly to call that to the attention of the Senator in order that he might correct it, because I was very certain that he did not intend it, unless he followed the law of 1891. Will the Senator allow me to read that to him?

Mr. GALLINGER. Before the Senator reads that, I want to call his attention to the fact that the Postmaster General advertises for service on these various routes, and I think if the Senator will take the form of the advertisement he will find that all the conditions the Senator thinks ought to be in the bill are in the specifications.

Mr. CUMMINS. Precisely; if we have a Postmaster General of the very highest integrity and of the greatest wisdom I might be willing to repose in him some part of the power that is here given him, but the future is uncertain. We do not know whether in the years to come we will have such a Postmaster General, and I will convince the Senator from New Hampshire before I have finished that he has given the Postmaster General in this bill a power that was never yet reposed in mortal man by any legislative body on earth upon any other subject.

Mr. GALLINGER. Well, Mr. President, the Senator has taken a large contract.

Mr. CUMMINS. I may have taken a large contract; but I am assuming that the Senator from New Hampshire is open to conviction——

Mr. GALLINGER. I am; certainly.

Mr. CUMMINS. And that he is amenable to reason.

Mr. GALLINGER. I am.

Mr. CUMMINS. I have always found him so, and, therefore, I make this statement with absolute confidence. Section 5—I return now to the law of 1891—provides:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile.

That is every word that the statute contains with regard to the compensation of first-class ships, and that means, of course, $4 per mile for every mile sailed by the ship, whether outward bound or inward bound.

I do not know what the Postmaster General has done; I do not know how he has limited his notices and his contracts, if he has issued notices and made contracts; but we are here dealing with the power that is to be given to him, and not with the manner in which he may execute it. This law is to be tested by what he may do under it, and not by what he has done.

Now, mark you—

and for the second-class ships $2 a mile, by the shortest practicable route, for each outward voyage.

That is the provision with regard to second-class ships, perfectly distinct, perfectly clear, but no more distinct and no clearer than the one I have read with regard to first-class ships.

The next paragraph reads:

For the third-class ships shall not exceed $1 a mile.

There is no suggestion in the statute that it shall be $1 a mile for the outward voyage. It is as broad as the English language can make it, and the Postmaster General under the law we have now would have the right to give first-class ships $4 a mile for the voyage each way, and he would have the right to give third-class ships $1 a mile for the voyage each way.

Now, let us see about fourth-class ships:

And for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

I wish somebody whose memory runs back to 1891 and who is still here would tell us why this discrimination was made between first and third class ships and second and fourth class ships. The Senator from New Hampshire says that it never before was called to his attention, and before we have finished this discussion he will have opportunity to reflect upon it. I am curious to know.

I now take up the bill we have before us in order to read it in the light of the statute that I have just mentioned:

That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act.

I agree that there may be room here for difference of opinion with regard to the application of the phrase "outward voyage." I agree that it might be interpreted to limit the compensation rather than to limit the course of the voyage itself. But when it is remembered that the statute of which this is an amendment makes no limitation as to first-class ships, and when the only purpose of this bill is to give second-class ships the compensation of first-class ships and to third-class ships the compensation of second-class ships, I believe it would be construed by any judicial tribunal before which it might ever come that the Postmaster General would have the power under this bill to give second-class ships on the routes that are proposed to be estabilshed, or that may be established, $4 per mile for both the outward voyage and the inward voyage, or $8 per mile for the outward voyage alone. I know it would certainly be interpreted to give third-class ships the compensation of $2 a mile for both the outward voyage and the inward voyage. There can be no controversy whatsoever about the latter, I am sure.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. That feature of the discussion can be shortened by a suggestion from me that if the Senator from Iowa, who is an adept in the use of language, will prepare an amendment which will confine this pay to $4 a mile on the outward voyage on these proposed routes, I shall be very glad to adopt his phraseology. The purpose is to give them $4 a mile on the outward voyage.

Mr. CUMMINS. Is it the purpose of the Senator from New Hampshire to confine the compensation of third-class ships to the outward voyage also?

Mr. GALLINGER. Absolutely; I never dreamed of anything else.

Mr. CUMMINS. The Senator from New Hampshire can easily see that, taken in connection with the law of which it is an amendment, I could reach no other conclusion than that we were by this bill immensely increasing the compensation.

Mr. GALLINGER. There is no such purpose, and I will examine the original law carefully. It may be that it is as the Senator suggests. If it is, I am sure it was an unfortunate mistake in the bill, because I feel certain that the Senator from Maine [Mr. FRYE], who was the author of the law, will bear me out in the statement—the bill was passed the first year I was in the Senate—that his purpose, and that of the other friends of the bill, was to confine it to the outward voyage. I will ask the Senator from Maine if that is not his understanding.

Mr. FRYE. So long a time has elapsed since then that I can not say what the purpose was. I should not myself at that time have felt seriously about the bill if it did have both outward and inward voyage in it.

Mr. CUMMINS. It can be readily seen that it would make a very great difference in the conclusions I might draw from the bill and as to its effectiveness in accomplishing its purpose.

[At this point Mr. CUMMINS yielded for the day.]

Saturday, January 21, 1911.

Mr. GALLINGER. Mr. President, before the Senator from Iowa [Mr. CUMMINS] resumes the discussion on the bill now under consideration, I want to call his attention to the exact phraseology of the existing law. It will be remembered that the Senator from Iowa yesterday insisted that there was no inhibition in the law as to first-class ships receiving pay both for the outward and inward voyage. I felt quite sure that the Senator was mistaken on that point. I find, upon examining the law, although the Senator may not agree with me, that he was mistaken. The trouble was that the Senator punctuated the language with his voice, rather than with the commas and semicolons which the printer uses. Now, I want to read the law, and I want to call attention to where the commas and semicolons come in, if the Senator will follow me:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for second-class ships $2 a mile,—

There is a comma there—two classes of ships. I will read it again:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for the second-class ships $2 a mile, by the shortest practicable route, for each outward voyage;—

There is a semicolon there. Now, again:

for the third-class ships shall not exceed $1 a mile and for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

It is patent to my mind, and I feel sure it will be to any printer, that when you take the punctuation of the paragraph the meaning is clear. The first-class ships and the second-class ships are put in one class. Then provision is made that they shall receive pay for the outward-bound voyage.

But, Mr. President, even though the Senator from Iowa may dispute my interpretation of the law, I will repeat what I suggested to the Senator on yesterday, that there will be no controversy between the Senator and myself as to making the language of the pending bill so clear that nobody can possibly misunderstand it, and I will accept any suggestion from the Senator touching that point.

Mr. CUMMINS. Mr. President, when I referred on yesterday to the subject of which the Senator from New Hampshire has just spoken, I had before me the Revised Statutes of the United States. I assume that these statutes are the authoritative source of information upon this subject and with regard to the arrangement of the law. In the section to which I referred yesterday the arrangement is not as it would appear to be in the pamphlet from which the Senator from New Hampshire has just read. I do not know where he gets the pamphlet. I think there is no authorized publication of that kind. This section begins:

That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile,—

It is true that the word "mile" is then followed by a comma, but the paragraph ends there, according to the Revised Statutes. Then a new paragraph begins with a capital letter, as follows:

And for the second-class ships $2 a mile, by the shortest practical route, for each outward voyage.

It is utterly impossible, I think, to assume that any court or anyone taking the statutes of the United States could construe what I have just read in any other way than that first-class ships might be paid $4 a mile for the entire voyage; and I may say, I think without a violation of confidence, that the Senator from Maine [Mr. FRYE], who had charge of the bill which afterwards became the law of 1891, is inclined to the opinion that it was intended that first-class ships should have $4 per mile for the entire voyage.

But may I continue upon this point? I read another paragraph following the semicolon to which the Senator from New Hampshire referred:

For the third-class ships shall not exceed $1 a mile.

And there is a period, completely separating that provision from any other in the statute. Then follows another paragraph:

And for the fourth-class ships two-thirds of a dollar a mile for the actual number of miles required by the Post Office Department to be traveled on each outward-bound voyage.

However, if the Senator from New Hampshire says that it is his purpose in the pending bill to limit the compensation of second-class ships to $4 per mile for the outward voyage and of third-class ships to $2 a mile for the outward voyage, there will be no difficulty whatsoever in so arranging its language as to make his meaning absolutely clear, and the conclusion which I intended to draw will be very much emphasized by the admission which the Senator from New Hampshire now makes, as I shall proceed to show.

Mr. GALLINGER. I find, Mr. President, that the text of the law as it was approved March 3, 1891, which I hold in my hand, is precisely as I have read it, while those who transferred it to the statutes took liberties that they were not authorized to take. However, it is inconsequential; we will fix it in the pending bill so that there will be no difficulty.

Mr. CUMMINS. It is only, Mr. President, consequential in this respect, that I was dealing with the authority which we here propose to grant to the Postmaster General, and I wanted the Senate to clearly understand just what authority is proposed to be conferred upon him. I take two examples in order to test the sufficiency of the bill in this particular regard. I will assume now that if the bill becomes a law second-class ships on voyages to South America will be entitled to $4 per mile for the outward voyage. The distance from New York to Buenos Aires is 5,800 miles substantially, and the distance to Rio de Janeiro is 4,747 miles substantially. Under the operations of this bill, if we were to secure just one second-class ship, and if that ship made its voyage to the farthest point, it would earn, upon the assumption that it was entitled to $4 a mile for the entire voyage, $46,400, and upon the assumption that it was entitled only to compensation for the outward voyage it would receive $23,200. Upon the like hypothesis for a voyage to Rio de Janeiro it would receive $37,984 or $18,992. Dismissing for a moment the larger compensation as not being within the contemplation of the author of the bill, and confining ourselves to the $4 a mile for the outward voyage alone, this ship would earn in one year from the Government of the United States, if it made seven trips per year, which I assume is a maximum number of trips it could make between those points, $162,400. If these voyages were limited to the nearer point, it would earn $132,944.

May I ask at this point of the Senator from New Hampshire whether he knows the difference between the cost of operating an American-made and American-manned second-class ship for seven trips between the port of New York and the ports of South America and the cost of operating a similar foreign ship for seven trips between those ports?

Mr. GALLINGER. I can not answer the Senator definitely on that point. I think it was developed in the hearings before the Merchant Marine Commission that the difference in the cost of operation, including the crew and the provision schedule, was about 35 per cent as between an American and a foreign ship; but just how much difference there would be on each trip I am unable to tell. I know that it is absolutely impossible under the existing law to get any capitalist to engage in running ships to South America upon the basis of compensation that is now offered; and I know that the men who would put up the money for this purpose say that they can not afford to do so unless the compensation is doubled or they receive an equivalent compensation to that given to first-class ships.

Mr. CUMMINS. Can the Senator answer the same question with regard to third-class ships?

Mr. GALLINGER. No more definitely, only I know that we can not get a third-class ship to go on those long routes under the compensation provided by existing law.

Mr. CUMMINS. It is, then, Mr. President, as I feared. We are asked to grant a subsidy to persons unknown, to enterprises unknown, without being advised of the extent of the subsidy sufficient to compensate Americans and American ships in view of the difference between the cost of constructing American ships and operating them and the cost of constructing and operating foreign ships. It is not fair to the people of the United States to ask their Government to make a donation of this character save upon the clearest and most positive information with respect to the efficiency or effectiveness of the donation, if it be made.

Therefore it was that I said in the opening of my argument yesterday that this bill was not only based upon an unsound principle and could not command my vote under any circumstances, but that it was here applied, as it seems to me, in an unscientific and, without any disparagement whatever of the distinguished Senator from New Hampshire, I might add an unintelligent way. What we are trying to do, I assume—not I, but those who favor this bill—is to take from the Treasury of the United States the difference between the cost of rendering this service by Americans under American laws and the cost of rendering it under foreigners and under foreign laws. I for one would never even approach the subject with any idea of giving it the support of my vote until I knew what difference it was necessary to compensate, and whether the contribution that we were making would have some tendency at least to accomplish the purpose which it is desired to accomplish.

Mr. GALLINGER rose.

Mr. CUMMINS. Allow me to suggest now, before the Senator from New Hampshire rises, an illustration: In 1894 we gave a subsidy of $4 per mile to first-class ships—I think $4 a mile for the entire voyage. How far is it from New York to Liverpool—2,500 miles?

Mr. GALLINGER. Approximately 3,000 miles.

Mr. CUMMINS. Substantially 3,000 miles. Therefore, if my construction of the law is right, any first-class ship, under the law of 1891, could have received a subsidy of $24,000 a trip on the route from New York to Liverpool.

Mr. GALLINGER. Mr. President, if the Senator will read the statute as it was printed after it was approved, he will find that that contention is absolutely incorrect. If the Senator will remember——

Mr. CUMMINS. I believe that to be the law at this time, but if the Senator says——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield, of course.

Mr. GALLINGER. The Senator will likewise take cognizance of the fact that this law has been in existence for 20 years, and the compensation granted has been only for the outward voyage of the ship.

Mr. CUMMINS. Very well. If the Senator from New Hampshire assures me that that has been the construction put upon the law by the Post Office Department, I have no disposition to challenge his statement in that regard. If, however, we accept that interpretation, then, since 1891 a first-class ship between New York and Liverpool could earn $12,000 on each trip. Assuming that it could make, and would make and ought to make, at least 12 trips per year, we have an aggregate annual contribution that could have been made by the General Government to that one ship of $144,000. What has that done for the trade between New York and Europe? Substantially nothing.

Here is a route upon which the business was already established. It was not necessary to create business between New York and Liverpool or between New York and the ports of France or of Holland, and yet, with this power to give a first-class ship upon that, the most important route of the commerce of the world, $144,000 per year, American enterprise and American capital have made no substantial inroad upon the business.

What is the conclusion? It is that if we are to undertake by donations from the General Treasury to build up the commerce of the United States in that respect we must make vastly larger contributions from the Treasury than the one I have suggested in order to accomplish our purpose. Yet it has been suggested here that, while the subsidy of $4 per mile has been ineffectual in putting ships upon the route between the eastern coast of America and the western coast of Europe, with all the business that flows between these two great continents in a not only never-ceasing but an ever-increasing volume, we can in some fashion establish a new route between New York and Rio de Janeiro or New York and Buenos Aires.

I can not accept a suggestion of that kind with any confidence whatsoever. Let us first determine the policy that we shall pursue. If we intend to take by appropriations from the General Treasury in the nature of subsidies the carrying business of the world from those who now have it and confer it, in part at least, upon Americans and American ships, then let us inquire how much will be necessary in order to reach that end. When we have ascertained how much will be required, then we can consider intelligently and understandingly whether we desire to enlarge our carrying trade in that manner.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. The Senator is asking an impossibility. The Senator is one of those who, I believe, are of the opinion that by some method we can ascertain the difference between the cost of production at home and abroad. I do not believe that ever can be done. To figure out mathematically to a dollar just how much it will require to sail an American ship across the Atlantic or the Pacific Ocean in competition with ships of other Nations is, to my mind, something that never can be done.

But we have had some lessons. We have now one line across the North Atlantic. Under the provisions of the existing law we have four great ships plowing the deep from this side of the ocean to the other. If that subvention were reduced to any considerable extent, we know that those ships would go out of existence, and we know that every letter that an American sends abroad would go in a foreign ship. We should have exactly the experience we have had on the Pacific Ocean. When the great Oceanic Line was receiving $2 a mile on trips to the Orient and to Australasia and losing three or four hundred thousand dollars a year, they came to Congress and said: "We have got to withdraw our ships unless we get greater compensation. We can not run them for less than $4 per mile." That was figured out very carefully; but Congress, in its wisdom, refused to give it to them and the ships, as I suggested yesterday, are now rotting at their anchors in San Francisco, and we have no line across the Pacific Ocean.

I think the Senator is asking too much when he asks that anybody shall sit down and with pen or pencil figure out exactly the difference between operating an American ship and a British or a German or a Norwegian ship across the Atlantic Ocean. I do not believe it can be done, but those of us who have been interested in this matter believe that the compensation asked in this bill will accomplish what we hope for; and if it fails, as certain Senators predict it will fail, then it will cost the Government nothing.

Mr. CUMMINS. Ah, that is a fallacy in the reasoning of the Senator from New Hampshire. It does cost the Government something. The four boats which, as I understand, now run from the American coast to Europe and which receive subsidies under the act of 1891 are shining examples of the conclusion that I have attempted to reach, that it does cost the Government something to proceed in this unintelligent and unscientific way without conferring any benefit or advantage whatsoever upon the people as a whole. Every dollar that is paid to the American Line now, in view of its obscurity, in view of its inadequacy as compared with other lines between America and Europe, every dollar that goes from the Treasury of the United States to these boats is a dollar unfortunately and unwisely expended. It has not assisted the commerce of the United States that these four boats should do the little part of the business that they do between America and Europe.

It has not given to a man in the United States a single privilege that he did not theretofore enjoy. It has not increased for any man or for any men the business in which they are engaged, except the business of these boats alone. If now we could give a subsidy that would assure to American ships a fair proportion, comparing the commerce of America with the commerce of the rest of the world, of the business between New York and Liverpool and Cherbourg and Bremen and all the other great ports of the Old World, then I say we could at least consider the matter here with some understanding of the privileges that would be gained and the advantages that would be secured.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. Mr. President, the Senator means to be fair, but he is not quite fair in saying that there is no compensation whatever. These boats carry the American mail. We pay for the carriage of mail in American steamships a little over a million dollars, and we are to-day paying foreign steamships a very much larger amount for carrying our own mail; so that the Senator ought not to lose sight of the fact that this payment is not wholly without compensation.

It may be and doubtless is beyond the pound rate for carrying the mails. But if we are not to blot out the four remaining steamships we have on the North Atlantic Ocean, then the Senator ought not to find fault with a law that has been on the statute books for 20 years and has kept those four steamships there. I believe we have only eight or nine ships engaged in the overseas trade to-day in this great country of ours, and for one I do not want to see four of those eight or nine ships put out of commission by any action of the Senate of the United States; and it will not be done with my consent.

Mr. CUMMINS. I am not proposing, of course, to repeal the act of 1891, although I think it ought to be repealed.

I will come presently to the hope that we all have that we may once again be known upon the seas, but I am insisting that we should not by this little and ineffectual effort worm a little money out of the Treasury of the United States, paid, of course, by all the people, and which accomplishes no good whatsoever for the people as a whole. It may help a few men who are interested in these particular steamships to make a profit out of them; and that, as I think, is the only aid that it has so far conferred upon America or any of her citizens.

I pass, however, from that point, having taken much more time upon it than I intended, to another, and this I take it is also an inadvertence in the bill. I believe that under the bill as it now is it would be within the power of the Postmaster General to enter into a contract with a ship or a line of ships plying between New York and the ports of South America, south of the Equator, by way of Europe. There is nothing in the bill that limits the Postmaster General to a contract with steamships which ply directly between America and South America. I do not know that it would ever be done. I am simply questioning the propriety of giving to the Postmaster General power of that indefinite and unrestricted sort.

If we are to increase by twofold the compensation of second-class and third-class ships in the hope that direct lines will be established between New York or some other ports on the Atlantic coast and South America, they ought to be steamship lines that would not enter into the business between America and Europe, and in that way secure an increase of compensation for doing business that is not contemplated by the act itself. I think, if the act does bear the construction which I have suggested, the Senator from New Hampshire will agree with me that it ought to be corrected.

Mr. GALLINGER. I fully agree with the Senator, adding that there is just as much probability of a steamship line of the second class being put on to run first to Europe and then to South America, under the provisions of this law, as there is for an airship route to be established.

Mr. CUMMINS. I do not know. I do not agree with the Senator from New Hampshire about that.

Mr. GALLINGER. I do.

Mr. CUMMINS. There is no limit here as to time—none whatsoever. The steamship may take a year in the voyage if it desires to do so and can get business by doing it.

It can be easily seen that a voyage requiring the few days more than would be required in a voyage from New York to Rio de Janeiro, touching at some of the ports of England, might be a very much more profitable one, all things considered, than the voyage directly from New York to Rio de Janeiro.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. Yes.

Mr. GALLINGER. I am very anxious to please the Senator——

Mr. CUMMINS. No.

Mr. GALLINGER. Whenever I can. I will suggest to him that we will insert in the bill "by the shortest practicable route."

Mr. CUMMINS. That is in the law of 1891——

Mr. GALLINGER. Yes.

Mr. CUMMINS. And it ought to be in this bill.

Mr. GALLINGER. We are amending that law, and no doubt it applies to this bill. But we can repeat it.

Mr. CUMMINS. That is just the reason I thought it ought to be in this bill.

My next objection to this bill is with reference to the power that it gives to the Postmaster General. I want to recite some of the things the Postmaster General may decide; and it may be said here that his discretion in the matter is unreviewable and from it there is no appeal.

Mr. GALLINGER. Will the Senator from Iowa permit me for just a moment?

Mr. CUMMINS. Yes.

Mr. GALLINGER. The Senator from North Carolina has very kindly called my attention to a provision in the existing law which says that "no vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain."

Mr. CUMMINS. Precisely; but this——

Mr. GALLINGER. So that a second-class vessel, unless we repeal the provisions of this law, could not be accepted——

Mr. CUMMINS. Ah!

Mr. GALLINGER. For this service.

Mr. CUMMINS. That is not an answer to my suggestion, and anyone thinking a single moment about it will know that

it is not an answer. We are here promoting second-class ships and third-class ships to the place of first-class ships and second-class ships, and the limitation in the law of 1891, in regard to first-class ships, does not apply to second-class ships or third-class ships any more than the provisions in regard to the size and character of construction, and so forth, apply to second or third class ships.

Mr. GALLINGER. Giving added compensation to second-class ships does not make them first-class ships.

Mr. CUMMINS. Certainly not.

Mr. GALLINGER. Certainly not.

Mr. CUMMINS. Therefore the provision in the bill that none but first-class ships shall be employed upon the routes between America and Europe does not apply to second-class ships. We are simply increasing the compensation of second-class ships. Therefore it is perfectly clear to anyone who will read the bill that the limitation in the law of 1891 would not apply to the second-class ships or the third-class ships for which provision is made in this bill.

Mr. GALLINGER. I do not agree to that at all.

Mr. CUMMINS. Very well. I can not help that. I am sorry the Senator from New Hampshire does not agree with it. It is as clear as any proposition that could be made.

I recur now to the matter of the power that is reposed in the Postmaster General. First, it leaves with the Postmaster General the determination whether any given line of ships is sufficiently important to warrant the subsidy.

I wish the senior Senator from Idaho [Mr. HEYBURN] were here to consider this unrestricted power given to the Postmaster General. I want all those who oppose or think it is dangerous to give power to commissions to reflect a little on what is here done with the Postmaster General. There are a great many who seem to fear that some part of the congressional authority may be delegated to the coming Tariff Commission with regard to the making of import rates of duty. How many of you would be willing to give to a tariff commission the right to increase or decrease a rate for the admission of imports? Not one. And I think very wisely, for I would not be willing to give that power to a commission save accompanied by a rule which could be applied with precision and accuracy. But here, to the extent of $4,000,000, the bill proposes to say to the Postmaster General, "If you believe that the establishment of a certain ship or a certain line of steamships is sufficiently important to the commerce of the United States, if it will help the business of the United States enough, you may enter into contract with it to the extent of $4,000,000, or some part of the $4,000,000."

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. Let me finish that thought and then I will yield. If this were a mere payment for mail service, if it were intended here to give adequate compensation for the actual transportation of the mails, I would not object to this discretion; but when you seek to give to an officer like the Postmaster General the whole custody of the Government of the United States and to allow him to determine when and in what event and how the money shall be expended so as best to promote our commerce, I think you are violating the spirit of our institutions.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. If that be so, we have been violating it for 20 years.

Mr. CUMMINS. Certainly you have.

Mr. GALLINGER. The Senator is speaking against a law which has been on the statute books for 20 years.

Mr. CUMMINS. I am.

Mr. GALLINGER. And I believe the Senator is the first man in either House of Congress who has challenged the propriety of that law.

I will ask the Senator, If this discretion is not to be left in the hands of the Postmaster General, in whose hands is it to the hands of the Postmaster General, in whose hands is it to be left? The Postmaster General is authorized by the law to advertise in certain-named cities of the United States asking if parties are willing to put up money to establish a line of steamships between certain points at a specified rate of compensation prescribed by the act of Congress.

Mr. CUMMINS. And if he does not want to advertise, if he does not think the commerce of the United States needs to be promoted, he need never advertise.

Mr. GALLINGER. I think that is right, and I think that is a very sensible thing for the Postmaster General to do—not to advertise for some imaginary lines.

Mr. CUMMINS. If, then, you had a Postmaster General who was afflicted with Democratic propensities and who did not believe in these indirect ways of promoting commerce, he would never advertise.

Mr. GALLINGER. Possibly not, although I have——

Mr. CUMMINS. Do you think it is wise to leave the subject in this way?

Mr. GALLINGER. I have altogether too much faith in the wisdom and justice even of the Democratic Party to believe that a Democratic Postmaster General would ever do what the Senator from Iowa suggests.

Mr. CUMMINS. In this respect I am entirely in sympathy with what would probably be the policy of a Democratic Postmaster General. I hope he never would advertise.

Mr. GALLINGER. Fortunately the Senator himself is not a Democrat. So there is no danger of our coming under his dominion in that respect.

Will the Senator from Iowa suggest in whose hands he would leave this discretion if not with the Postmaster General? Congress manifestly could not attend to the details of this work.

Mr. CUMMINS. I am so unalterably opposed to the principle itself that I have never inquired, even of myself, with respect to the manner in which money for such a purpose should be donated or contributed. Therefore any answer I might make to the Senator from New Hampshire would be of no value, as I have not attempted to construct the machinery through which any such subsidy should pass. I only know that it is illogical, and I think wholly unwarranted to take an officer of the Government, who has no more to do with the commerce of the United States than he has with the administration of the heavenly land, and give him complete and absolute power to dispose of a subsidy which is granted in the name of commerce and in behalf of commerce, to distribute it throughout whatever steamship lines he may think are sufficient to warrant it.

The second power that the Postmaster General has here is to determine from what ports and to what ports these steamships shall sail and depart. I do not believe you could find in the whole history of legislation a power like that given to a single man, especially to a man who is in nowise connected with commerce. Assuming that this money is to be given for commerce, we give to the Postmaster General the right to determine between what ports commerce shall take place; between what ports we shall endeavor to promote the business of the United States. It is with me so untenable a proposition that to state it is quite sufficient.

The third power that we give to the Postmaster General here is as to the time when the contract shall be made. He can wait for three years, if he likes to wait so long, before moving under this statute at all, and when he has waited three years if he then desires to move—if he has come to the conclusion that the commerce of the United States ought to be benefited in some way by this subsidy—then he may advertise, and even then it is left with him to determine whether the contract shall be for five years or 10 years, or any length of time between such periods.

It is left with him to determine the size of ships. He may prescribe impossible conditions, or he may prescribe ships which could not answer and would not answer the purpose you have in view. He is to determine the number of trips per year. In that way it is for him to say how much commerce shall be benefited and how many times it shall have an opportunity to pass from one port to another. He determines the times of sailing as well as the time when the service shall commence.

Now, if we intend to tax the people of the United States to maintain a merchant marine, then we ought to put the money raised by such taxation into such hands as will make its disposition reasonably intelligent and as will furnish a guaranty that our money will accomplish the purpose for which it is contributed.

I suggested a few moments ago, in the absence of the senior Senator from Idaho, that I felt sure if he were here he would sustain me in that position, knowing his determined opposition to giving to any commission the power to increase or decrease our rates of import duty. And yet we are doing here for our foreign commerce, or attempting to do for our foreign commerce, exactly what our import duties are supposed to do for our domestic commerce. I pass——

Mr. HEYBURN. Mr. President, I assume the Senator from Iowa does not care for me at this time, in the body of his speech, to express myself in regard to that matter.

Mr. CUMMINS. I hope, however, that the Senator from Idaho, before the bill is voted upon, will give that side of the question the benefit of his learning and his influence in this body.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. The Senator has repeated, and I think reiterated, the statement that the Postmaster General is to do this work in the interest of commerce. The Postmaster General is not authorized to do anything in the interest of commerce. The Postmaster General is authorized to advertise for the carriage of the mails of the United States at a certain rate, and that is all that the Postmaster General has to do with it.

There are some of us who believe it will develop commerce, and we have reason to believe it will, especially with South America. But that is not a matter which concerns the Postmaster General in the slightest degree. He has no authority to intimate that to any person whom he asks to bid for this service.

Mr. CUMMINS. The Senator from New Hampshire, who is the frankest man in this assembly, if I may be allowed to institute a comparison, deceives himself. He will not deceive anybody else.

If this payment—I care not what you call it—was intended as pay for the carrying of mail, then the suggestion of the Senator from New Hampshire would be very pertinent. But it is not intended as pay for mail carriage. The Senator from New Hampshire knows just as well as I do that the Postmaster General would never pay $4 a mile for second-class ships carrying the mail that might pass between the ports of America and the ports of South America; for instance, between the port of New York and the port of Rio de Janeiro. He knows that the Postmaster General would not do any such foolish and absurd thing as that; and if he ever did do it without the authority of some such law as this, he ought to be immediately removed from his office.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. If the Senator from New Hampshire will allow me to finish, the real truth is, and we ought not to hide it from ourselves, that we give this money, if we give it at all, in the hope that we shall put some American ships on the sea, and that we will increase in that way the business of America upon the sea and develop at the same time commercial intercourse to a greater extent than it now exists between the ports of the United States and the countries of South America.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am sorry to interrupt the Senator so often, but he is always good-natured in these debates. I agree with the Senator on that point. That was in the minds of some of us; but we do not delegate that matter to the Postmaster General. I agree that the Postmaster General should not of his own volition make this payment any more than the Postmaster General would carry second-class mail matter for what it is being carried now if he had the discretion lodged in his own hands. But Congress compels him to do that thing which, so far as second-class mail matter is concerned, is an infinitely worse subsidy than the Senator could possibly dream of in connection with American ships. So we can impose upon the Postmaster General the duty of paying this, which may be a larger amount than would simply pay for the carrying of mails, and he has no discretion to do otherwise than to carry out the law of Congress.

Mr. CUMMINS. Suppose it were asked of the Senator from New Hampshire whether he would be in favor of giving the Postmaster General the power of fixing the rates of postage on all kinds of mailable matter, what would be the Senator's answer?

Mr. GALLINGER. I should say no.

Mr. CUMMINS. Certainly. So would every patriot say no; and I think a like course of reasoning, if carried on in an unprejudiced way, would reach a like result here.

Mr. GALLINGER. There is no similarity at all.

Mr. CUMMINS. But I pass from that part of it to just one other consideration. I hope I have established one thing firmly in the minds of Senators who have listened to me, and that is that if we want to put American ships on the seas and pay what is necessary in order to enable us to compete with other countries, this is not the proper way to do it, and that it is the unscientific, the uninformed, and the unintelligent way to attempt it, and that we ought to have courage enough to face the principle itself and to determine upon a policy for the United States that will endure, and if we reach the conclusion—I am opposed to it—that we will attempt to make our merchant marine compete with the merchant marine of other countries through subsidies and make the business profitable through subsidies, then let us do it with the full understanding of the appropriations that must be made from year to year in order to accomplish our purpose, and let us accomplish it directly and not in the way proposed by this bill.

I now pass to another reason which seems to me conclusive against the proposition. The Senator from New Hampshire says—and he has repeated it very many times here—that all other nations subsidize their merchant ships and that they sustain their ships by these contributions.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I will say nearly all other nations.

Mr. GALLINGER. No; but the Senator——

Mr. CUMMINS. The Senator mentioned Great Britain, and mentioned France, and mentioned Germany, and mentioned Japan, and those comprise substantially the list of mercantile nations.

Mr. GALLINGER. But the Senator is wrong in saying that I stated that they sustain their ships by subsidies.

Mr. CUMMINS. Oh!

Mr. GALLINGER. Quite contrary to that, in view of the low cost of construction and operation, I have an impression that so far as foreign ships are concerned there is very little need of subsidies as compared with our ships.

Mr. CUMMINS. Precisely; but I have heard it repeated over and over again that the foreign business is rendered more profitable through these subsidies, and that it would be——

Mr. GALLINGER. I never said it.

Mr. CUMMINS. And that it would be impossible for America to compete unless she followed the example of other nations in this respect, and of course not only followed the example, but far outran every other nation in the world in these subsidies, because we, in order to reach our purpose, would be compelled to appropriate a sum much greater than any other nation appropriates to compensate for the difference in the cost of doing the work by other nations and the cost of doing it by our own.

This, as it seems to me, furnishes a most conclusive reason for now and forever abandoning such policy of competition. Suppose we had a merchant marine of reasonable magnitude, sustained by subsidies granted from year to year, and that this merchant marine was successfully competing with Great Britain and with Germany and with France in the business of the high seas. Of course our contribution would be so much larger than any other nation as to startle not only the American mind but every other mind. But now, when we have reached that condition of equality with other nations, suppose Great Britain raises her subsidy, Germany advances her subsidy, France increases her contribution in order to maintain her supremacy upon the seas, what will America do under those circumstances? Will America advance her subsidies as well? And that, of course, is an event we must contemplate in determining what we shall do.

It means just this, that we are entering into a competition with other countries in subsidized ships and that we will be subject to the will, the ambition, the pride, the purse of other nations, and that we must make our subsidies conform to theirs, increasing always our subsidy beyond theirs to reach the difference between their cost of doing the work and our cost of doing the work.

We will then be, with regard to our merchant ships, precisely where we are with regard to our battleships. We are now, and have been for years, in a mad competition with other nations with regard to a navy. I am not objecting to the Navy, but I know and you know that Germany competes with England, and England with Germany, and France with both, and Japan with all, and the world is hastening on the way toward complete insolvency through the contributions that are made from the wealth of the people in order that each nation may hold its own upon the sea in battleships. Do you intend to adopt a similar policy with regard to your merchant ships? Is it not infinitely better that America shall control her own markets, as she is controlling them, and let those do the work of the seas who can do it most cheaply, than it is to enter upon any such indefensible, as I think, and disastrous course as must be pursued if these subsidies are to be continued?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. The similarity between the creation of a navy and the establishment of a merchant marine I do not think is easily to be drawn.

In the first place all the ships we buy and make for our Navy are ours and belong to the Government. We will never be defenseless, although we may not have kept pace with other nations in increasing our armament.

Mr. CUMMINS. If the Senator will allow me, there he is very much mistaken. Under this bill the Government constructs no ships.

Mr. SMITH of Michigan. I understand. The Senator does not catch my meaning. I say we have our Navy; whatever it is,

it belongs to the Government; it is manned by Government officers, propelled by Government money, hovers around our harbors, because it belongs to us; and whatever our Navy may consist of it is ours to maintain and keep up. But a merchant marine created by a subsidy will belong to private individuals. Withdraw the appropriations for our Navy for a single year, and we have got our ships; but let a hostile majority in either branch of Congress withdraw its money supply to a subsidized merchant marine, and it will scatter to the four winds of heaven. We have done our transocean service incalculable harm when we base it upon the mere whim of either branch of Congress to maintain or to defeat.

I think that the proposition to subsidize an American merchant marine means that we are willing to circumscribe the growth of that marine within the limits of the money that we appropriate. It is just as certain as that we are discussing the matter here to-day that if our appropriation were $10,000,000 our merchant marine would never extend beyond $10,000,000; and if we wanted it $20,000,000, we have got to make the appropriation for it or not get it at all when once we embark on this scheme; but let a hostile majority in either branch of Congress withdraw its support and fail to appropriate for a single year for the maintenance of our merchant marine, it will scatter, as I said a few moments ago, to the four winds of heaven; it may withdraw from our own country and go under the flag of some foreign country; not so as to the Navy.

For one I do not believe in a subsidized merchant marine. I want to have a merchant marine so well planned, so deeply embedded into our economic system, that Congress can not strangle it to death.

Mr. GALLINGER. You will never have it.

Mr. SMITH of Michigan. If I had my way about it I would amend every trade treaty we have in this country with a foreign nation and stimulate a merchant marine by discriminating in favor of such ships as fly our flag. In that way we will have a merchant marine that is founded upon some strength and some stability, and it will not be easily affected.

I know it has been frequently said that a merchant marine will never be established in that way. The Senator from New Hampshire smiles at the thought. I am not the first man to have expressed it. Trade treaties which seem to preclude such a possibility have been amended again and again; and within the last year and a half we have asked every other nation on the face of the earth with whom we do business to change their treaties with us in order that a maximum and minimum clause might be inserted therein.

When we have a merchant marine I hope it will be so firmly established that the whim of no single Congress can change it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do; but before I yield I want to thank the Senator from Michigan for making, so clearly and so emphatically, an argument to which I was speedily coming.

Mr. GALLINGER. And, Mr. President, I want to congratulate the Senator from Iowa on the accession to his ranks.

Mr. SMITH of Michigan. O Mr. President, I do not know what the Senator from New Hampshire means by that.

Mr. GALLINGER. Just what I said.

Mr. SMITH of Michigan. I have never been an advocate of a subsidized merchant marine. I have voted against it every time my name has been called. My record for 16 years is unequivocably against it. I do not believe in the policy of subsidizing a merchant marine, although I have voted to divert a portion of our profits from the European mail service for the purpose of establishing mail service between our country and Australia, South America, and the Orient.

Mr. GALLINGER. Then it is not an accession.

Mr. SMITH of Michigan. No; it is not.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield.

Mr. GALLINGER. The Senator from Michigan is going to engage in a work that I think will tax the brains of all the able men of the country, not that of one man. We have 33 commercial agreements with foreign nations that we have got to denounce before we can reach the point the Senator pictures as a possibility.

Mr. SMITH of Michigan. Every one of them has been touched within a year.

Mr. GALLINGER. The Senator will make great progress in establishing trade with South America under a discriminating duty scheme when 92 per cent of all our exports from that country are free of duty.

Mr. SMITH of Michigan. "The Senator from Michigan" would not expect to establish commerce between South America and this country by subsidizing the merchant marine nor by discriminating duties. I want to say to the Senator from New Hampshire that I believe a subsidized merchant marine would not accomplish the purpose with South America at all. A careful study of the South American situation reveals the fact that foreign countries are establishing banking facilities in South America, and that more than any other single thing has promoted trade with Germany.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from New Hampshire?

Mr. CUMMINS. I want to yield to the Senator from New Hampshire for any question or suggestion.

Mr. GALLINGER. Certainly; the Senator yields to me to say one word more.

Mr. CUMMINS. I do want to continue my remarks, however.

Mr. GALLINGER. I will not interrupt the Senator further.

Mr. CUMMINS. I do not want the Senator to understand that I prohibit his interruptions.

Mr. GALLINGER. I simply wanted to point out in a word what I think is the impossibility of the Senator from Michigan carrying out the scheme whereby he proposes to rehabilitate the American merchant marine. He is on the wrong track entirely. I thank the Senator from Iowa.

Mr. CUMMINS. Mr. President, when I was interrupted by the Senator from Michigan—and I am very much obliged to him for interrupting me and stating so emphatically and so earnestly his opposition to this measure and supporting his position by reasoning so clear and conclusive—I was suggesting that we would eventually find ourselves in the same competition with foreign nations with regard to a subsidy for the merchant ships that we now find ourselves in regard to a navy. Of course, there is no exact parallel between merchant ships and the Navy; but the national pride will have been enlisted, capital will have been invested, and citizens of the United States will have put their money into a fleet of merchant ships under the encouragement of a subsidy. Then, if the action of a foreign nation makes that subsidy inadequate, we must increase our subsidy or do injustice to our own citizens—a thing we will never do. Therefore I protest against the beginning or the continuation of the policy.

The fundamental objection to a subsidy of this sort is that it is an arbitrary use of governmental power; that it is taxing the people of this country to contribute to private business, and that the advantages, if there are any to accrue from a subsidized merchant marine, do not accrue to all the people of the United States and can not be shared by them in the proportion or in substantially the proportion in which they contribute to the creation of the fund. It is fundamentally wrong, and I was about to say viciously wrong, to take our money in order to make capital invested in some enterprise profitable unless that enterprise does confer a general, universal, and fairly distributed advantage.

Mr. HEYBURN. May I ask the Senator a question?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. I merely want to ask the Senator if he will enumerate some productive enterprise that would not be benefited by it.

Mr. CUMMINS. Yes, sir. I will not attempt, however, to enumerate them all.

Mr. HEYBURN. No; not all.

Mr. CUMMINS. I will enumerate by saying that none will be benefited except those who are engaged in the service itself. I agree that national pride would be gratified, stimulated, and fostered, but in no other way would this be effective throughout the country.

Mr. HEYBURN. Would it impose upon the Senator's patience if I were to suggest one enterprise that would be benefited?

Mr. CUMMINS. I have no objection.

Mr. HEYBURN. The price of charters for export of wheat would be reduced at least 30 per cent by it.

Mr. CUMMINS. Mr. President, has there ever been a cargo of wheat shipped from New York to ports in South America south of the Equator?

Mr. HEYBURN. I am now speaking of the bill.

Mr. CUMMINS. Has there ever been a cargo of wheat from the western coast of this country to ports in South America south of the Equator?

Mr. HEYBURN. But to Asiatic ports it is a very large item.

Mr. CUMMINS. Mr. President, this bill does not apply to any such subject, and when we reach that, if I have the opportunity to do it, I will deal with it as best I can.

I was very much impressed with a statement made by the Senator from West Virginia [Mr. SCOTT] with regard to the very great desire of the American people, as they travel abroad from continent to continent, to see the American flag at the masthead of the shipping in the ports of these countries. I share that desire. I have as much pride in the American name and the American Nation as any man who breathes. But there is just one way in which we can put our flag upon the seas, if we do not contribute a hundred millions or a hundred and fifty millions a year in order to compensate for the difference between the cost of building and operating foreign ships and American ships. There is but one way, and I should like to know how many of these Senators are willing to take that way. If you will allow any ship, no matter where made, to adopt the American registry; if you will eliminate or abolish the restrictions which we have put upon American shipping with regard to officers and men; if you will so amend our laws as that the restrictions shall relate only to reasonable sanitation, then American enterprise and genius will soon supply the world with examples of our energy and our vigor in the carrying trade. We have not now a man at work, probably, upon an American ship, save those that are built for the coastwise trade. We have no men upon the high seas engaged in this business. The suggestion that I make would take from no man his labor. It would take from no enterprise its business. It would simply let Americans enter, upon fair, even terms with the other nations of the world, on this business that must be carried on without limitation, without restriction, because there is no way that we can confine the trade of the high seas to Americans and in American ships.

If the Senator from New Hampshire would be effective, he would bring forward some such measure as that instead of endeavoring by a forced and artificial stimulus to put a few ships upon a few routes from the coasts of North America to the coasts of South America.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. I may have misunderstood the Senator—my attention was diverted for a moment—but did I understand the Senator to say that he would be in favor of reducing the pay of the men who man our ships at the present time?

Mr. CUMMINS. What does the Senator mean by our ships?

Mr. GALLINGER. I mean the few ships we have in the foreign trade and those we hope to get.

Mr. CUMMINS. If we are attempting the possession of the sea, I am in favor of taking the restriction from the American registry. I am in favor of allowing the ships when so taking the American registry to be manned as other ships of the world are manned.

Mr. GALLINGER. By coolies and lascars?

Mr. CUMMINS. It makes no difference by whom. We are not doing that business now. It would not take a single American man from his place.

Mr. GALLINGER. Is not the Senator in favor of giving the American man a chance to get a place?

Mr. CUMMINS. The American man is employed at this time in a business which in and of itself is profitable. If it were not so, he would be on these ships. You can not divert American capital into an unprofitable business, and we ought not to want to divert American capital into an unprofitable business.

You can not put American men in competition with coolies and with the people of other nations of the earth who are willing to work at wages half or less than half of the wages that can be earned by our citizens upon our own soil. Our people are not doing this work now. You want to enlarge the field of our enterprise, and you can not enlarge it unless you enter into competition with the world, and entering into that competition you must employ the same methods that they employ, or you must compensate for the difference in contributions from the Treasury. Now, take your choice. I am perfectly willing to accept the situation as it is now, and not attempt to dispossess the world of a business that it is carrying on for vastly less than we can carry it on. But in order to indulge the hope, in order to gratify this apparent demand for business on the high seas, I say I am willing to allow the American flag to float above the ship that is officered by an American, but which is manned by the same kind of labor which enables foreign ships to drive American ships from the seas.

Mr. GALLINGER. And made in a foreign shipyard?

Mr. CUMMINS. Yes, sir; so far as I am concerned, I believe we ought to have the right to buy ships wherever we can buy them cheapest.

Mr. GALLINGER. Why not buy goods where we can buy them cheapest?

Mr. CUMMINS. Ah, the Senator from New Hampshire——

Mr. BURTON. Mr. President, will the Senator from Iowa allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. GALLINGER. I have a further question to ask the Senator from Iowa. I wanted to ask the Senator if I understood him to say—I may not have understood him correctly—that he is in favor of abolishing the added comforts we give the American seamen and the officers as compared to foreign ships.

Mr. CUMMINS. I did not.

Mr. GALLINGER. I thought the Senator did say that.

Mr. CUMMINS. I said reducing our restrictions to those only which provide for proper sanitation and health. I very distinctly made that exception, as the Senator from New Hampshire will see.

Mr. GALLINGER. We do not believe we have given them any more than they deserve at the present time. They are very much greater than any foreign nation give their sailors and their officers. It costs more money, but we are in favor of keeping them right where they are, if indeed they should not be further improved.

Mr. CUMMINS. Mark you, if the Senator from New Hampshire will allow me, I am not insisting upon that. I am not insisting that we should enter this business, but I am insisting that if we do enter it we must enter it in the only practicable way that is open for us.

Mr. GALLINGER. The question of free ships has been discussed so much that almost everybody except the Senator from Iowa has abandoned it; and perhaps before the debate is closed I will point out the utter impossibility of solving this problem through that instrumentality.

Mr. CUMMINS. I was simply, Mr. President, pointing out to the Senator from New Hampshire that that was the only way.

Mr. GALLINGER. It never will be done.

Mr. CUMMINS. I am not seeking to enter it, but if the Senator from New Hampshire insists upon covering the ocean with the American flag, which I would dearly love to see floating at every masthead, then he must adopt the plan that I have suggested, for there is no other save an inconceivable one; that is, inconceivable in the sense that the American people will agree to it—appropriations to compensate for the difference between our cost and the foreign cost.

I yield to the Senator from Ohio.

Mr. BURTON. The Senator from New Hampshire seemed to make a comparison between a protective duty on ships and one upon goods. I should like to ask the Senator from New Hampshire if it is not a fact, first, that a ship is the only article that we can not import into this country under some terms, duty or no duty; and, second, is it not a fact that practically every other country in the world, including those with high and low protective duties, allows its register to a foreign-built ship without the payment of any duty?

Mr. GALLINGER. I do not agree to that at all, Mr. President. I said the other day, which is a fact, that both the British and German Governments insist that all ships which receive subventions from the Government shall be built in German and British shipyards, and again——

Mr. BURTON. I will state to the Senator from New Hampshire that that regulation is a very recent one, because some of the leading passenger ships in the German trans-Atlantic lines were built in England; and if such a regulation is strictly enforced I am not aware of it.

Mr. GALLINGER. The Senator knows——

Mr. BURTON. But as to all merchant ships, the boats which carry freight, at any rate, is it not true that they are allowed to take British or German or French register without any restriction?

Mr. GALLINGER. I presume that is so; but we are not imitating France, Germany, and England.

Mr. CUMMINS. I ask Senators to be as brief as possible.

Mr. GALLINGER. Certainly. I will not interrupt the Senator. The Senator from Ohio addressed a question to me and I had to answer. I will answer at greater length at some other time.

Mr. CUMMINS. I only suggested brevity because I wish to conclude.

Finally, having reviewed the subject as carefully as I care to review it, I come to a mere suggestion. It is admitted that the United States is in sore need of auxiliary ships even for the Navy we now have, without regard to any increase which is proposed for the Navy.

I agree to the suggestion several times made here that it must have brought great humiliation to every American heart to see a great fleet sailing round the world in order to establish in the minds of the people of the earth the vastness of the

American Nation and to observe that fleet accompanied from beginning to end with supply and auxiliary ships belonging to other nations. I think it is the duty of the United States to build its Navy proportionately. I think it is absurd to insist on the building of battleships from year to year without making some provision for the supply of those ships at the very moment the ships become of any value whatsoever. If I could impose my will upon the laws of the United States, I would never build another battleship until the Navy we have is completely equipped with the supplementary ships that are necessary to make the Navy effectual in the hour of need.

Therefore I wish the Senator from New Hampshire, with his great influence, his long service, instead of asking the Congress of the United States to pour a subsidy into private enterprise to swell the profits of private business, would propose that we take $15,000,000, the cost of a single battleship in full equipment, and spend the money in the construction of merchant ships, or ships that would be adequate for the use of the Navy in time of war and be adequate for the uses of commerce in time of peace; that when the appropriation was thus expended these ships should be manned by officers of the American Navy, possibly not with all the qualifications of graduates from the school at Annapolis, with the experience that intervenes between their graduation and their command of a ship, but officered by men who have enlisted in the service of the United States, manned by such men as were necessary to operate them as profitably as possible, and then in the time of peace put them into the service of the people, just as they will be called into the service of the people in time of war.

If it be found upon experiment that it involves too large a sum to maintain them in the service, then we are no more unfortunate with regard to them than we are with regard to the battleships themselves. We can maintain them, then, as we ought to maintain them, if they can not be profitably employed in commerce just as we employ our battleships in time of peace. In this way our people will know that their money is being expended for a public service. They will know that their money is not contributed to swell the fortunes of any man or any body of men. They will know that whatsoever we can do to promote commerce in times of peace we will do with these ships which form the complement to our ships of war.

I know it is said in reply that the ships that may be built under the provisions of this law will be subject to the call of the Government in time of war, but it is just as true that every other ship is subject to the call of the Government in time of war. Under the terms of this bill the Government has the right to condemn the ships if the price can not be agreed upon; but, without a line of the bill, without a word more than is now in our law, the Government has the right to condemn any private property in time of war to sustain itself or to maintain the war. There is no additional right given to the Government in this bill. The ships will be governed by precisely the same privileges, both on the part of the owners and on the part of the Government, that control all the private property of all the citizens of the United States.

Senators, this is a day, it seems to me, for some review of the policies of the United States. I know that I am contending against the policy of the law of 1891, but I trust that the mistake then made, although perpetuated for 20 years, may not longer continue as a reproach to the American Nation. This is a time for looking over governmental policies and purposes. This is the day in which we ought to determine broadly whether we are in the future to attempt to maintain a merchant marine through subsidies annually contributed by the Government of the United States. I do not know the circumstances under which the law of 1891 was debated or under which it was passed, but I do know that, in the light of the 20 years that have intervened since that time, in the light of the discussion that has gone on from one border of this country to the other, at every fireside, in every shop, in every factory, upon every farm in the land, the opinion of the people of the United States has crystallized against subsidies in any form whatsoever. It is not clamor; it is not unconsidered judgment; it is the deliberate and the highest expression of the popular mind that a country like ours can ever know. While I agree that we ought here to act according to our consciences and our judgments, in consulting our consciences and in making up our judgments it is our imperative duty to remember what the great proportion of 90,000,000 people believe upon this subject.

Mr. HEYBURN. Mr. President, I have no intention of doing more than briefly discussing this question. It has been occupying a recognized place in the business of the Senate for a long time; I think it ought to be disposed of; and we still have within the ordinary hours of the session of the Senate a reasonable margin of time, quite sufficient to enable me to say what I have to say on this matter.

The act of 1891 is the basis upon which it is proposed to pass this bill. The bill authorizing the Postmaster General to make mail contracts is existing law, and has been so for nearly 20 years. It is only a question of whether we shall extend that by legislation to meet existing conditions. The principal feature of the pending bill is that it proposes to pay $4 per mile for service on a 16-knot ship. It simply raises the price per mile to be paid upon the only class of shipping that does business between the ports enumerated in the bill. There are no 20-knot ships running between our ports and the South American countries.

Mr. GALLINGER. There are no 16-knot ships.

Mr. HEYBURN. There are no 16-knot ships. So that there is no available shipping that can be awarded a contract under the act of 1891. The question is, Shall we abandon all efforts to establish and maintain and foster the commerce of this country with South American ports, or shall we try to build up that commerce? There is no law under which we can foster it.

I do not use the term "subsidy," because I do not consider the word has any application whatever to the proposals of this legislation. We have the mail to be carried; the possibilities of commerce exist. This proposed legislation is intended to bring those two great elements of prosperity together. A man might have merchandise at a point on the prairie and say to a railroad company, "If you build, we will allow you to haul this under contracts that will be profitable enough to justify you in building a road." I have in mind a circumstance that arose during the last year of a railroad 75 miles in length, built into a new Territory. They came to me and opened their books and said, "You see that we are just running on an even basis. If we could have the mail contracts, if we could carry the mail, that would represent our profit." That condition will arise in regard to steamships.

The possibilities of commerce exist in South American ports and in the ports of Asia and other countries. The fact that it exists is of no advantage whatever to the American people unless they can connect with it, and to connect with it they must do it through private enterprise, because there is not a man on this floor who would advocate any policy that would require the Government to build ships to make that possible commerce a reality.

This measure does not propose, any more than did the act of 1891, that we shall give something for nothing. We are now paying millions of dollars to foreign ships to do what it is proposed by this measure to do with our own ships. It represents one of the elementary principles of the policy of our Government, that we shall make one hand, as it were, wash the other. If the inducement offered, through a mail contract to a foreign port, added to the conditions that exist without it, represents the difference between profit and loss, if you offer the inducement you will get the traffic and if you withhold it you will not.

The price paid for the carrying of our mails to-day is higher than the price paid for carrying the mails of the European countries to which the Senator from Iowa [Mr. CUMMINS] has referred. That is in accord with the condition that exists in every walk and ramification of our business. We pay more for it and we get more for it. We get the civilization represented by our people; we get the business that our people need; we get the market that we need for our products. Why should we not, if we have to pay anybody at all, pay our own people? Why should we not make it profitable to build American ships through the giving to those ships of trade that we must give to somebody? The millions of dollars that we are now paying foreign ships would go very far toward maintaining these contracts.

I will not go into the details, though I have the figures here. I am speaking now of what we pay for carrying the mails. When we make it possible for an American ship to go to a foreign port with the mail, that ship will carry to that port for sale the products of our country that would not otherwise have gone there. It will create new markets for the products of this country, possibly to be found and maintained by the margin which the carrying of the United States mails represents.

I can not understand why there should be opposition to a measure of this kind. What gain is it to our Nation or to the people of the Nation that we pay money to foreign ships for carrying our mails? The gain is measured by the accommodation of getting the mail to the point to which it is carried. Why not couple that with a service which shall be under our own flag and carry our own products to the point where the mail is carried?

This bill as originally reported from the committee met with my approval, and I shall give it my hearty support. It then contained a provision that the services that are now proposed to be given from Atlantic coast ports to South America should

also be given to the Asiatic ports. We send millions of bushels of wheat to Asiatic ports from our section of the country, far in excess of that which the public generally accredits or has any knowledge. We send twice a week solid trainloads of wheat, year in and year out, under a regular system of export that goes to China. We send 25,000,000 bushels of wheat to those ports.

The whole question with us is, What does it cost to get it there? It goes down the Columbia River to Portland, Oreg. It goes to Puget Sound, and from these and other points it is shipped. The question is, What does it cost to get the wheat from our ports to the ports of China?—for therein lies the possibility of profit or loss. I have not looked recently at the price of charters, but I know that we are entirely at the mercy of foreign vessels, largely German, for that trade, and there is such a combination among them that we have not the benefit of competition. With American vessels, sustained or supported to the extent of the mail contracts, the inducement would result in the construction of American vessels for that trade. They would carry not only our wheat, but much else, to Asiatic and Australian ports.

I have talked this matter for years with those who are engaged in the trade, and for years have advocated this policy. The conceded fact, based upon a thorough knowledge of the question, is that to increase the number of American registered ships sailing out of the ports from which our wheat and other products are shipped would result in a reduction of from $4 to $6 a ton under the charters. Figure that up on the 40,000,000 bushels of wheat. That would be money remaining in the country and never going out of it. That would be clear profit to the owner of the wheat. That is what fixes the price of wheat for export in that country. Is it not commendable to bring about a condition where our people who have the money and the enterprise will build a fleet of merchant vessels that in competition with foreign vessels will carry that vast tonnage?

Mr. GALLINGER. Mr. President, the Senator from Idaho alluded to the fact that in the original draft of the bill provision was made for steamship routes across the Pacific to the Orient. That is true, but the provision was dropped out of the substitute. I want to say, however, to the Senator that, after full consideration of the case, it is my purpose to ask that the substitute shall be so amended as to provide in that respect precisely what was provided in the original bill.

Mr. HEYBURN. Mr. President, I am speaking with that understanding and on that assumption, because both the act of 1891 and this bill as reported from the committee provide for the application of this law to the Pacific ports.

Mr. CUMMINS. May I ask a question, Mr. President?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I was sitting so far back that I could not hear distinctly what was said by the Senator from New Hampshire, but I gathered that he intends to move to amend the substitute so as to include routes from the Pacific ports to Australasia.

Mr. GALLINGER. That is my purpose.

Mr. HEYBURN. To reinsert the words "to the Philippines, to Japan, to China, and to Australasia," in lines 6 and 7, which were stricken out. I was speaking with that understanding.

The provisions of sections 8 and 9 of the act of 1891 are applicable to this bill. That act requires that every one of these ships shall be manned by American officers, that they shall be built in American shipyards, and—

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under 21 years for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

When this matter has been under consideration in years gone by, I have dwelt upon that and urged that as a provision that would result in great good to American boys in teaching them to be sailors of the higher order and equipping them to be officers in time of war. Of course, section 9 of the act of 1891, which provides that these ships may be taken by the Government in time of war, remains in force under this bill.

Mr. President, in my judgment there is little necessity for saying more than I have said on behalf of this bill. If we had to create a mail to be carried at some expense to the United States, then much of the argument that has been made against this bill might be applicable. We have that mail, and that is a necessity that has to be taken care of. In addition to that, I repeat—and I can not urge it too strongly—that the ports to which our mail is carried become ports in which to sell the products of our country. Any American ship that goes to a foreign port with mail goes there with a cargo of American products and with the American flag on its mast. Is not that worth something? Will not that build up a great trade where no trade now exists?

From the time, years ago, when I was in private life, when this question was up, I have discussed it with the people in the campaigns. In one campaign in Idaho I took it up for special consideration and had the gratification of knowing that amongst the people of Idaho, when they understood that a measure of this kind would create a new and a better market and better facilities for reaching that market, there was no more talk about ship subsidy. I never referred to it as a subsidy. It is not a subsidy any more than is the price you pay the railroad for carrying the mail from here to New York a subsidy. Railroads have been built in contemplation of the services that they would perform for the Government and the profits that they would derive therefrom. That is entirely legitimate. I presume every railroad that has been constructed within the last 40 years, in determining the question whether it was a good enterprise, has taken into consideration the fact that it would receive a contract for carrying the mails. The people demand that the mails be carried, and they are carried for the benefit of the people, not of the Government of the United States. The people, not the Government of the United States, create that which constitutes commerce. They raise the wheat and the thousand things that we sell abroad; and it is in the interest of the people that we are to provide an enlarged system, a better method, a wider commerce for their products.

Eliminate the word "subsidy." It has grown fashionable in late years to invent some term of opprobrium and apply it to a cause that can not be attacked successfully in any other way. You hear nothing in this case but the repeated charge that it is a subsidy. Is it a subsidy that we pay for carrying the mails to the city of Chicago, or is it compensation for service rendered? Will it be a subsidy that we pay for carrying mail, actually in existence and necessary to be carried, to the ports of South America and Asia, or will it be a compensation for a service rendered to the people of the United States—not to some aggregation of capital, not to some corporation, but to all the people?

Those reasons are sufficient in themselves, as they have always been sufficient in my mind, to induce me to support governmental measures that would build up a new commerce, afford a means of transporting our mails, create an acquaintance in foreign business circles, and bring back hundreds of millions of dollars that would be paid for the transportation of that which we had created and for which we had found a market in foreign fields. Is not that worth considering in connection with this measure, that has no argument against it except the opprobrious epithet that it is a subsidy?

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 23, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1911.

UNITED STATES MARSHAL.

William S. Cade, of Oklahoma, to be United States marshal for the western district of Oklahoma, vice John R. Abernathy, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Wilber E. Wilder, Cavalry, unassigned, to be colonel from January 19, 1911, vice Col. Walter S. Schuyler, Fifth Cavalry, who accepted an appointment as brigadier general on that date.

Maj. James Lockett, Fourth Cavalry, to be lieutenant colonel from January 19, 1911, vice Lieut. Col. Frederick W. Sibley, Fourth Cavalry, detailed as inspector general on that date.

Capt. Grote Hutcheson, Sixth Cavalry, to be major from January 19, 1911, vice Maj. James Lockett, Fourth Cavalry, promoted.

First Lieut. George T. Bowman, Fifteenth Cavalry, to be captain from January 19, 1911, vice Capt. Grote Hutcheson, Sixth Cavalry, promoted.

Second Lieut. William W. Overton, Fifteenth Cavalry, to be first lieutenant from January 19, 1911, vice First Lieut. George T. Bowman, Fifteenth Cavalry, promoted.

INFANTRY ARM.

Lieut. Col. Lea Febiger, Sixth Infantry, to be colonel from January 19, 1911, vice Col. Joseph W. Duncan, Sixth Infantry, who accepted an appointment as brigadier general on that date.

Maj. Henry Kirby, Eighteenth Infantry, to be lieutenant colonel from January 19, 1911, vice Lieut. Col. Lea Febiger, Sixth Infantry, promoted.

Capt. Ulysses G. McAlexander, Thirteenth Infantry, to be major from January 19, 1911, vice Maj. Henry Kirby, Eighteenth Infantry, promoted.

Capt. William K. Jones, Infantry, unassigned, to be major from January 20, 1911, vice Maj. Charles L. Beckurts, Fifth Infantry, whose resignation was accepted to take effect January 19, 1911.

First Lieut. Fred E. Smith, Third Infantry, to be captain from January 19, 1911, vice Capt. Ulysses G. McAlexander, Thirteenth Infantry, promoted.

POSTMASTERS.

ARKANSAS.

J. G. Irwin to be postmaster at Eudora, Ark., in place of Harry Harriman, removed.

CALIFORNIA.

Nelson T. Edwards to be postmaster at Orange, Cal., in place of Nelson T. Edwards. Incumbent's commission expired June 11, 1910.

Harry S. Moir to be postmaster at Chico, Cal., in place of John W. Magee. Incumbent's commission expired December 19, 1910.

CONNECTICUT.

James H. Pilling to be postmaster at Waterbury, Conn., in place of James H. Pilling. Incumbent's commission expires February 13, 1911.

GEORGIA.

Wilbur S. Freeman to be postmaster at Claxton, Ga. Office became presidential January 1, 1911.

ILLINOIS.

Henry E. Burns to be postmaster at Chester, Ill., in place of Ebenezer J. Allison, removed.

John Otto Koch to be postmaster at Breese, Ill., in place of Fritz Dorries, deceased.

James A. Lauder to be postmaster at Carterville, Ill., in place of James A. Lauder. Incumbent's commission expired January 16, 1911.

Allen T. Spivey to be postmaster at Shawneetown, Ill., in place of Allen T. Spivey. Incumbent's commission expires January 28, 1911.

William H. Pease to be postmaster at Harvey, Ill., in place of William H. Pease. Incumbent's commission expires January 30, 1911.

INDIANA.

Samuel A. Connelly to be postmaster at Upland, Ind., in place of Samuel A. Connelly. Incumbent's commission expires February 7, 1911.

Thomas Rudd to be postmaster at Butler, Ind., in place of Thomas Rudd. Incumbent's commission expires January 30, 1911.

IOWA.

Oscar McCrary to be postmaster at Keosauqua, Iowa, in place of John W. Bruns, deceased.

C. J. Schneider to be postmaster at Garner, Iowa, in place of Charles S. Terwilliger. Incumbent's commission expired January 10, 1911.

James C. Scott to be postmaster at Glidden, Iowa, in place of William R. Orchard, resigned.

Henry G. Walker to be postmaster at Iowa City, Iowa, in place of Emory Westcott. Incumbent's commission expires January 31, 1911.

KANSAS.

Jacob D. Hirschler to be postmaster at Hillsboro, Kans., in place of Jacob D. Hirschler. Incumbent's commission expires February 18, 1911.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, Ky., in place of Homer B. Bryson, resigned.

J. B. McLin to be postmaster at Jackson, Ky., in place of Daniel D. Hurst. Incumbent's commission expired April 19, 1910.

MAINE.

William M. Stuart to be postmaster at Newport, Me., in place of William M. Stuart. Incumbent's commission expired December 13, 1910.

MASSACHUSETTS.

Frederick E. Pierce to be postmaster at Greenfield, Mass., in place of Frederick E. Pierce. Incumbent's commission expired January 7, 1911.

MICHIGAN.

H. H. Curtis to be postmaster at Vermontville, Mich., in place of Earl B. Hammond. Incumbent's commission expires February 12, 1911.

William J. Morrow to be postmaster at Port Austin, Mich. Office became presidential July 1, 1910.

Theodore Schmidt to be postmaster at Reed City, Mich., in place of Lou B. Winsor. Incumbent's commission expired February 22, 1910.

MINNESOTA.

Alfred Anderson to be postmaster at Twin Valley, Minn. Office became presidential January 1, 1911.

Eva Frances Fay to be postmaster at Raymond, Minn., in place of Stephen E. Fay, resigned.

Anders Glimme to be postmaster at Kenyon, Minn., in place of Anders Glimme. Incumbent's commission expired January 10, 1911.

Emma F. Marshall to be postmaster at Red Lake Falls, Minn., in place of Emma F. Marshall. Incumbent's commission expired January 10, 1911.

Dwight C. Pierce to be postmaster at Goodhue, Minn., in place of Dwight C. Pierce. Incumbent's commission expires January 31, 1911.

MISSISSIPPI.

Emma Mikell to be postmaster at Silver Creek, Miss. Office became presidential July 1, 1910.

MISSOURI.

Elijah L. Brown to be postmaster at Koshkonong, Mo. Office became presidential October 1, 1910.

Harry O. Halterman to be postmaster at Mount Vernon, Mo., in place of Harry O. Halterman. Incumbent's commission expires February 16, 1911.

MONTANA.

Lynn Comfort to be postmaster at Twin Bridges, Mont. Office became presidential January 1, 1911.

NEBRASKA.

Alvin Blessing to be postmaster at Ord, Nebr., in place of Albert M. Coonrod, deceased.

Lucius H. Denison to be postmaster at Crete, Nebr., in place of Horace M. Wells, deceased.

NEW JERSEY.

Judiah Higgins to be postmaster at Flemington, N. J., in place of Abraham W. Boss. Incumbent's commission expired May 22, 1910.

NEW YORK.

Joseph A. Douglas to be postmaster at Babylon, N. Y., in place of Joseph A. Douglas. Incumbent's commission expires January 22, 1911.

Genevieve French to be postmaster at Sag Harbor, N. Y., in place of Genevieve French. Incumbent's commission expires February 4, 1911.

John B. Lankton to be postmaster at Newport, N. Y., in place of John T. Davis. Incumbent's commission expired January 8, 1910.

Jonas M. Preston to be postmaster at Delhi, N. Y., in place of Jonas M. Preston. Incumbent's commission expires February 7, 1911.

Huet R. Root to be postmaster at De Ruyter, N. Y., in place of Huet R. Root. Incumbent's commission expires January 29, 1911.

NORTH CAROLINA.

Frank B. Benbow to be postmaster at Franklin, N. C., in place of Fannie M. Benbow, resigned.

Robert D. Langdon to be postmaster at Benson, N. C. Office became presidential January 1, 1910.

Clarence M. McCall to be postmaster at Marion, N. C., in place of Clarence M. McCall. Incumbent's commission expires February 13, 1911.

OHIO.

Elmer Sagle to be postmaster at Roseville, Ohio, in place of John H. Snoots, resigned.

Charles Wilson to be postmaster at Plain City, Ohio, in place of Rolla A. Perry, removed.

OKLAHOMA.

F. L. Berry to be postmaster at Taloga, Okla., in place of Ephraim R. Dawson, resigned.

W. I. Lacy to be postmaster at Anadarko, Okla., in place of William H. Campbell. Incumbent's commission expires January 31, 1911.

OREGON.

Reber G. Allen to be postmaster at Silverton, Oreg., in place of Arthur F. Blackerby, resigned.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, Pa., in place of John N. Brosius. Incumbent's commission expired January 18, 1911.

Harry H. Hawkins to be postmaster at Spring Grove (late Spring Forge), Pa., in place of Harry H. Hawkins (to change name of office).

J. G. Lloyd to be postmaster at Ebensburg, Pa., in place of J. G. Lloyd. Incumbent's commission expires January 22, 1911.

SOUTH DAKOTA.

John W. Casselman to be postmaster at Wall, S. Dak. Office became presidential January 1, 1911.

Elmer E. Gilmore to be postmaster at Lennox, S. Dak., in place of Elmer E. Gilmore. Incumbent's commission expires February 18, 1911.

Henry E. Richardson to be postmaster at Woonsocket, S. Dak., in place of George L. Fish. Incumbent's commission expired June 29, 1910.

TENNESSEE.

M. H. Edmondson to be postmaster at Maryville, Tenn., in place of Mahlon Haworth. Incumbent's commission expired June 15, 1910.

VERMONT.

Kittredge Haskins to be postmaster at Brattleboro, Vt., in place of Herbert E. Taylor, deceased.

John S. Sweeney to be postmaster at Island Pond, Vt., in place of John S. Sweeney. Incumbent's commission expires January 23, 1911.

VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, Va., in place of Charles A. McKinney. Incumbent's commission expired January 12, 1911.

WEST VIRGINIA.

Sherman C. Denham to be postmaster at Clarksburg, W. Va., in place of Sherman C. Denham. Incumbent's commission expired December 19, 1909.

Allison H. Fleming to be postmaster at Fairmont, W. Va., in place of Allison H. Fleming. Incumbent's commission expired March 5, 1910.

Robert Hazlett to be postmaster at Wheeling, W. Va., in place of James K. Hall. Incumbent's commission expired February 28, 1910.

Samuel W. Patterson to be postmaster at Vivian, W. Va. Office became presidential October 1, 1910.

WYOMING.

James V. McClenathan to be postmaster at Sunrise, Wyo., in place of Edward Redmond, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1911.

CONSUL.

Arthur J. Clare to be consul at Bluefields, Nicaragua.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

Brig. Gen. Charles L. Hodges, United States Army, to be major general.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be colonel.

Lieut. Col. Rudolph G. Ebert, Medical Corps, to be colonel.
Lieut. Col. William H. Arthur, Medical Corps, to be colonel.

To be lieutenant colonel.

Maj. Charles Willcox, Medical Corps, to be lieutenant colonel.
Maj. Thomas U. Raymond, Medical Corps, to be lieutenant colonel.
Maj. Henry D. Snyder, Medical Corps, to be lieutenant colonel.
Maj. Allen M. Smith, Medical Corps, to be lieutenant colonel.
Maj. Joseph T. Clarke, Medical Corps, to be lieutenant colonel.

To be major.

Capt. Matthew A. Delaney, Medical Corps, to be major.
Capt. Horace D. Bloombergh, Medical Corps, to be major.
Capt. Paul S. Halloran, Medical Corps, to be major.
Capt. Kent Nelson, Medical Corps, to be major.
Capt. Peter C. Field, Medical Corps, to be major.
Capt. Herbert G. Shaw, Medical Corps, to be major.
Capt. Louis Brechemin, jr., Medical Corps, to be major.

COAST ARTILLERY CORPS.

Second Lieut. John P. Smith, Coast Artillery Corps, to be first lieutenant.

INFANTRY ARM.

First Lieut. Samuel A. Price, Twenty-eighth Infantry, to be captain.

CAVALRY ARM.

Lieut. Col. Charles M. O'Connor, Eighth Cavalry, to be colonel.
Maj. Eben Swift, Ninth Cavalry, to be lieutenant colonel.
Capt. Farrand Sayre, Eighth Cavalry, to be major.
First Lieut. William J. Kendrick, Seventh Cavalry, to be captain.
Second Lieut. Frank E. Davis, Eighth Cavalry, to be first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Charles P. Hollingsworth, Ninth Infantry, from the Infantry Arm to the Field Artillery Arm, with rank from September 25, 1908.

INFANTRY ARM.

Second Lieut. Joseph T. Clement, First Field Artillery, from the Field Artillery Arm to the Infantry Arm, with rank from September 25, 1908.

POSTMASTERS.

GEORGIA.

Edward T. Peek, Locust Grove.

IOWA.

Stephen G. Goldthwaite, Boone.
Clyde E. Hammond, Dows.
Robert S. McNutt, Muscatine.

PENNSYLVANIA.

H. B. Calderwood, Tyrone.
Eli P. Clifton, Vanderbilt.
Luther P. Ross, Saxton.
William C. Shiffer, Expedit.
William S. Stickel, Perryopolis.
Luna C. Virgin, Hollsopple.

VERMONT.

Kittrege Haskins, Brattleboro.

WEST VIRGINIA.

Sherman C. Denham, Clarksburg.
Allison H. Fleming, Fairmont.
Robert Hazlett, Wheeling.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 21, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan, from the Committee on Appropriations, reported a bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1958), ordered to be printed.

Mr. BENNET of New York. I reserve all points of order on that bill.

The SPEAKER. The gentleman from New York [Mr. BENNET] reserves all points of order on the bill.

POST OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 31539), with Mr. STEVENS of Minnesota in the chair.

The CHAIRMAN. There is pending a point of order made by the gentleman from Massachusetts [Mr. WEEKS] against the amendment offered by the gentleman from New Jersey [Mr. HUGHES].